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THE UNITED STATES

Its Beginnings, Progress and Modern Development

Edited by EDWIN WILEY, M.A., Ph.D.
of the Library of Congress *and*
IRVING E. RINES

WESTWARD THE COURSE OF EMPIRE TAKES ITS WAY

From the painting by Emanuel Leutze in the Capitol at Washington

IN ELEVEN VOLUMES, ILLUSTRATED

AMERICAN EDUCATIONAL ALLIANCE
WASHINGTON, D. C.

THE UNITED STATES

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IRVING E. RINES

IN ELEVEN VOLUMES, ILLUSTRATED

AMERICAN EDUCATIONAL ALLIANCE
WASHINGTON, D. C.

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(*Continued.*)

PART TWO.

(*Continued.*)

The Jeffersonian Era: Democracy and Nationality, 1801-1829.

(*Continued.*)

THE UNITED STATES

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1812-1815.

PRIVATEERING.

Character of privateers — Number of prizes captured — Capture of the *Pursuit* and *Planter* by the *Atlas* — Escape of the *Governor Tompkins* — Cruise of the *Comet* — Action between the *Chasseur* and *St. Lawrence* — Barney's cruise in the *Rossie* — Capture of the *Dominica* by the *Decatur* — Attack on the *Prince de Neufchatel* — Escape of the *General Armstrong* from the *Coquette* — The battle in Fayal Roads.

WHILE the sloops and frigates of the American navy were acquiring imperishable renown on every sea, the flag was still more widely displayed and as bravely and ably defended by a class of vessels whose exploits were equally noteworthy, but to whom little credit has been given. When hostilities broke out no American privateer was in existence, but the Embargo and Non-intercourse acts, and the final declaration of war threw out of employment hundreds of sailors who were anxious for work. Moreover, the ship-owners were eager to find employment for their ships and, even though the risk was great, privateering was better than having the ships lie idle and unremunerative. Now that war had come and these fast sailing clipper-built ships were idle, they were turned into privateers; every available merchant craft, coasting-vessel, and fishing smack was overhauled, mounted with a few guns, and sent out with a commission to burn, sink, and destroy. These vessels mounted a longtom on a swivel in the middle of the ship and perhaps half a dozen lighter guns on broadside,* and as a rule were intended for short cruises. The privateers were about 120 feet long on the spar-deck, 31 feet in extreme breadth, rigged as ships or brigs, with long slender masts and spars carrying a cloud of canvas, armed with from six to eighteen guns, and manned by crews of from 100 to 150 seamen. They were built for speed and were intended to fight only as a last resort, their particular object being to dart in, strike a sudden blow, and escape.† The private armed vessel was built rather to fly than to fight and its chief value lay more in its ability to escape than in its capacity to attack. Numbers of these ships were owned by stockholders, many by firms, and some by single individuals,

* Lossing, *War of 1812*, p. 993.

† McMaster, vol. iv., pp. 112–113; Adams, *United States*, vol. vii., p. 314 *et seq.*

who neither preserved nor made public the captains' reports. The number of privateers at sea in 1813 was not recorded, though according to one list there were about 500.* Nearly 250 of these privateers fell into British hands. The total number of prizes captured from the British in 1813 exceeded 400, more than 300 of which were captured by privateers, while National cruisers took only 79.† But privateering was not profitable to the large majority of those who owned these ships. Of the 500 privateers recorded, 300 were said never to have made a prize, and of the remainder but few made their expenses.‡ In these pages only the most prominent privateers can be mentioned.||

Two distinguished privateersmen who went to sea early in the war were David Maffitt and Nathaniel Shaler, the former being in command of the *Atlas,* which sailed from the Delaware early in July of 1812 and fell in with two British ships on the morning of August 5. Maffitt placed his ship between the two British vessels and opened with a broadside from each battery, followed by volleys of musketry. So terrific was the fire from the privateer that the smaller ship struck her colors within an hour. Maffitt then devoted his attention to the larger ship, but scarcely had he turned from the smaller ship when, to the surprise of the Americans, the latter opened fire again. Maffitt reopened on this vessel, however, and in a few minutes drove every man below deck.* All the while Maffitt had maintained a heavy fire from the opposite battery on the larger ship, with the result that she shortly surrendered. She proved to be the *Pursuit* of 16 guns and 35 men; the other ship was the *Planter* of 280 tons, 12 12-pounders, and a crew of 15 men.† Prize crews were put aboard the *Pursuit* and *Planter* and for nearly a month the three vessels continued on their journey northward without molestation, but at 4.30 on the morning of September 2, 1812, a frigate was discovered in pursuit. Believing her to be an Englishman, Maffitt ordered the *Pursuit* to make for port and the *Planter* to sail northward while he himself engaged the frigate. The *Pursuit* was soon out of sight, but, instead of making for the *Atlas,* as was expected, the frigate started for the *Planter* and soon captured her. Realizing that he would have small chance against the heavier frigate, Maffitt sailed westward and shortly afterward gained port. Subsequently

* Emmons, *Navy of the United States,* pp. 170–197.

† Adams, *United States,* vol. vii., p. 331.

‡ Babcock, *Rise of American Nationality,* p. 115.

|| For the complete history see Maclay, *History of American Privateers;* George Coggeshall, *History of the American Privateers and Letters of Marque during our War with England in the Years 1812–1814.* The various histories of the navy mentioned in previous pages record some of the more important engagements.

* Lossing, *War of 1812,* p. 997.

† Coggeshall, *American Privateers,* pp. 79–80.

he learned that the frigate was the *Essex* under Captain David Porter.*

About this time Captain Shaler set sail in the 14-gun schooner *Governor Tompkins* and on December 25, 1812, chased three sails, which on near approach were made out to be two ships and a brig. The largest of the strangers proved to be a first-class frigate which, when within range, fired on the American vessel. Shaler then ran up the American flag and, with an impudence which warranted punishment, began an animated fire from his puny battery of 9 or 12-pounders. The broadside from the British ship killed three and wounded six of the Americans, but did no other harm. At this moment the privateer was a little abaft the frigate's beam and could not attack without exposing herself to a raking fire. Shaler therefore determined to receive the frigate's fire on the tack on which he had been standing preferring to take the chance of outsailing the enemy and passing beyond her bow, where he would not be exposed to her dreaded broadside. The Englishman also kept on the same tack, and the two vessels ran along side by side for a half hour, giving and receiving a spirited fire. The British frigate proved to be a remarkably fast sailer, so that she managed to play her broadside guns with full effect on the privateer much longer than had been anticipated. Soon, however, the *Governor Tompkins* began to draw ahead of the frigate and the enemy's shot fell short. Hardly had the privateer gotten out of range when the wind died out and the British vessel soon began to overhaul her. Shaler then threw overboard the deck lumber and about 2,000 pounds of shot, and, putting all hands at the sweeps, he soon got clear of "one of the most quarrelsome companions that I ever met with."*

One of the most famous of the fighting privateers was the *Comet,* which, under Captain Thomas Boyle, captured many vessels after stubborn fights. Her first cruise began in July of 1812, when she fell in with the *Hopewell* of 14 guns. After a desperate conflict, the *Hopewell* was captured and her cargo subsequently sold for $150,000.† The *Comet* then took the *Henry,* with a cargo valued at more than $100,000, and the *John,* with a cargo valued at about $150,000. She returned from this cruise in November of 1812, and was immediately refitted for sea. At this time Chesapeake Bay was blockaded by the British and it was not until a dark and stormy night late in December that Boyle succeeded in running the blockade. On January 14, 1813, Boyle

* Maclay, *American Privateers,* pp. 251–254.

* Coggeshall, *American Privateers,* pp. 140–143; Maclay, *American Privateers,* pp. 254–258; Lossing, *War of 1812,* p. 998. See also *Niles' Weekly Register,* vol. v., p. 429. The *Governor Tompkins* brought her men and owners much money. After this fight she captured a large number of prizes, several of which were worth more than $200,000 apiece and three of which were valued at $500,000.

† Lossing, *War of 1812,* p. 997.

discovered four sail standing out of the harbor of Pernambuco and set out in pursuit. By 6 o'clock he was near enough to perceive that one of these ships was a large man-of-war. An hour later, having come quite close to the enemy, the *Comet* hoisted the American colors, whereupon the brig responded with Portuguese colors. Her commander, Hale, sent a boat aboard and informed Boyle that the brig-of-war was a Portuguese national ship of 20 32-pounders and a crew of 165 men, and that the others were British merchantmen which were under the protection of the brig and must not be molested.* Though the *Comet* carried only 14 guns and had a crew of 120 men, Boyle replied that his ship was an American cruiser and as such had the right to attack English vessels; if the Portuguese attempted to interfere, the *Comet* would open with her guns, for he was determined to capture the merchantmen.

Boyle then made sail for the English vessels, consisting of a ship of 14 guns and two brigs of 10 guns each. The Portuguese ship made chase, but before she could come up, the *Comet* had run in between the British ships and had opened on them from close quarters. Boyle tenaciously hung to the British merchantmen and kept up a steady fire. The British vessels separated occasionally so as to give the man-of-war a chance at the *Comet,* but the gunnery of the Portuguese was so poor that little damage was done. This running fight was maintained for five hours. Shortly after midnight one of the British vessels, being cut to pieces, became unmanageable and surrendered; a little later the merchant brig also surrendered, but just as Boyle was about to take possession of her, the Portuguese vessel came up and compelled him to desist. Accordingly Boyle devoted all his attention to the man-of-war and after some heavy firing compelled her to sheer off, then capturing the third British vessel, which, like its consorts, was badly cut up.* The victory of the Americans was still far from assured, for the Portuguese remained within gunshot and threatened to come to close action at the first opportunity. Boyle hastened to take possession of the second prize, but shortly after 2 o'clock the weather blew up squally and he became separated from his prizes. At daylight, however, he regained one of the prizes, but the Portuguese man-of-war again attempted to interfere. The privateer promptly hove about and stood for her, when the Portuguese tacked and made signals for the British vessels to make for the first port. Two escaped, but the richest prize Boyle retained in his own possession.†

* Lossing, *War of 1812*, p. 999.

* Coggeshall, *American Privateers*, p. 132 *et seq.*

† Maclay, *American Privateers*, pp. 281–288; Barnes, *Naval Actions of the War of 1812*, pp. 91–99; McMaster, vol. iv., pp. 113–114; Lossing, *War of 1812*, p. 999.

On February 6, 1813, while 12 miles off St. John, Boyle discovered two brigs to leeward and made chase. The nearest craft was a frigate from Demarara loaded with sugar, rum, coffee, and cotton. She hoisted British colors, fired a gun, but observing that the *Comet* was a superior vessel soon struck.* Stopping just long enough to place a prize crew on board, Boyle set out in pursuit of the second brig. Almost at the same moment another ship hove in sight, which Boyle ascertained from his prisoners to be the man-of-war brig *Swaggerer.* Hoping to capture the second brig before the *Swaggerer* could come up, Boyle threw several broadsides at the Englishman, who promptly surrendered. But before the American prize crew could go aboard, the British captain cut away his topsail, jib, halyards, and other rigging, hoping thereby so to cripple his ship that the Americans could not get her under sufficient sail to escape the *Swaggerer.* Boyle saw the trick and sent a number of men aboard to repair the damages. All this time the *Swaggerer* had been rapidly approaching; and, seeing that he must either run or fight a vastly superior ship, Boyle sent a prize crew aboard his captured ship, ordered them to get up what sail they could, and make their way through the passage between the islands of St. John and St. Thomas.

* Coggeshall, *American Privateers,* pp. 136–137.

After seeing her prizes safely off, the *Comet* then started off toward the United States, hotly pursued by the *Swaggerer.* A few hours later, when the *Comet* was about four miles to windward of the enemy, she discovered another vessel and captured her; before the lumbering *Swaggerer* could come up Boyle had put a prize crew aboard the schooner (which was the *Jane*), sent her through the passage between Tortola and St. John, and most leisurely resumed his course toward the United States. On March 17 he ran the blockade into Chesapeake Bay and soon arrived in Baltimore.*

So great was Captain Boyle's success in the *Comet* that upon his return from his last voyage he was placed in command of the privateer *Chasseur,* mounting 16 long 12-pounders and carrying a crew of 100. In his first cruise in this vessel Captain Boyle captured 80 merchantmen, nearly all of great value.† His favorite cruising ground was the English Channel and the coast of Great Britain. He had many narrow escapes, but his very audacity seemed to carry him past all danger. While on his cruise in the Channel, Boyle sent a proclamation to London which he requested to be posted in Lloyd's

* Maclay, *American Privateers,* pp. 288–291; Coggeshall, *American Privateers,* pp. 137–139; McMaster, vol. iv., p. 114.

† Lossing, *War of 1812,* p. 999. A partial list will be found in Coggeshall, *American Privateers,* p. 358 *et seq.*

Coffee House, wherein he said that all the ports, harbors, bays, creeks, rivers, inlets, outlets, islands and seacoasts of the United Kingdom of Great Britain and Ireland were in a state of rigorous blockade;* but, as Adams says, the jest at that moment was too sardonic to amuse the British people.† Boyle returned home from his European cruise in October of 1814 and shortly afterward departed for the West Indies.

On February 26, 1815, when 36 miles to windward of Havana, the British war schooner *St. Lawrence* was discovered to the northeast, apparently running before the wind. Both vessels were built and equipped by Americans, but the *Chasseur* was slightly superior both in armament and crew, carrying 16 guns and 102 men, against 12 short 12-pounders and 1 long 9-pounder and a crew of 75 men, besides officers, soldiers, and civilians, aboard the *St. Lawrence.* Boyle promptly made chase and as the foretop mast of the British vessel was carried away by overcrowding sail, the *Chasseur* soon came up. As the stranger showed only three ports on the side nearest the *Chasseur,* Boyle believed that she was poorly armed and manned. Confident of making short work of her, he increased his efforts to get alongside, and as no serious fighting was anticipated, the regular preparations for battle were not made; but when the *Chasseur* had come within pistol shot, the enemy suddenly triced up ten port covers, showed the same number of guns and her decks swarming with men. Immediately the enemy ran out her guns and poured a whole broadside of round shot, grape, and musket balls into the *Chasseur.* Being squarely under the guns of a regular man-of-war, Boyle knew that his only alternatives were prompt surrender or stubborn fight. He decided on the latter and immediately returned the enemy's fire with cannon and musketry. Believing that the best chance for victory was at close quarters, Boyle put his helm to starboard and brought the two ships so close together that the American sailors could leap aboard the British ship. Before they could strike a blow, however, she surrendered.* According to the British report, 6 men on the *St. Lawrence* were killed and 17 wounded, though the American accounts say there were 15 killed and 25 wounded. On the *Chasseur* there were 5 killed and 8 wounded, among the latter being Boyle himself.† So badly disabled was the *St. Lawrence* that her masts went by the board the same night, whereupon Boyle made a cartel of his prize and sent his prisoners by her to Havana.

* For the proclamation in full see Maclay, *American Privateers,* pp. 294–295; *Niles' Weekly Register,* vol. vii., p. 290; Coggeshall, *American Privateers,* pp. 361–362.

† Adams, *United States,* vol. viii., p. 197.

* Coggeshall, *American Privateers,* pp. 362–363.

† Roosevelt, *Naval War of 1812,* pp. 415–416.

The *Chasseur* then returned to the United States, reaching Baltimore on April 15, 1815, where Boyle learned that the treaty of peace had been signed.*

When war was declared a number of Baltimore merchants fitted out the schooner *Rossie* with 10 short 12-pounders and 3 long guns, and a crew of 125 men, and placed her under command of Captain Joshua Barney. The *Rossie* sailed July 12, 1812, and on August 9, after taking several merchantmen of great value, fell in with the British privateer ship *Jeannie,* which was captured after a sharp action. On September 16 the *Rossie* fell in with the British packet *Princess Amelia,* and after a severe struggle lasting an hour, the enemy called for quarter.† The cruise of the *Rossie* lasted 90 days, during which she captured four ships, eight brigs, three schooners, and three sloops valued at more than $1,500,000, including the cargoes.‡ This was Barney's first and only cruise in this war as a privateersman. Soon afterward he was taken into the regular navy and performed valuable services in the *Chesapeake.*||

* Mahan, *War of 1812,* vol. ii., pp. 237–240; Maclay, *American Privateers,* pp. 295–300.

† Spears, *History of Our Navy,* vol. ii., pp. 245–248; Coggeshall, *American Privateers,* p. 86.

‡ See the extract from the log-book in Brannan, *Official Letters,* pp. 65–66; the synopsis in *Niles' Register,* vol. iii., p. 158. See also Mahan, *War of 1812,* vol. i., pp. 395–398; Coggeshall, *American Privateers,* p. 61.

|| Lossing, *War of 1812,* pp. 994–995; Maclay, *American Privateers,* pp. 305–307.

There was little inducement for the privateers to attack regular British war vessels, since the latter were more heavily armed, and their holds contained nothing worth fighting for. Nevertheless there were several instances of American privateers fighting regular British men-of-war, one of the most notable actions of this kind being that between the American privateer *Decatur,* Captain Dominique Diron, of Charleston, and the English cruiser *Dominica,* Lieutenant George W. Baretté. The *Decatur* was a schooner mounting 6 12-pounders and 1 long 18-pounder on a pivot amidships and carrying a complement of 103 men and boys. The *Dominica* was a three-masted schooner carrying 12 short 12-pounders, 2 long 6-pounders, 1 brass 4-pounder and a short 32-pounder, and was manned by a crew of 88 men and boys. On August 6, 1813, the *Decatur* sighted two ships far away in the south and promptly made chase. By noon she had come almost within gunshot when the stranger showed English colors. Diron wore his ship at 2 o'clock for the purpose of passing under the stern of the *Dominica* and giving her a raking fire, but as the ships approached each other, the Englishman luffed and opened with his broadside, most of his shot passing over the *Decatur.** At 2.15 the *Decatur* again fired her longtom and as it was aimed with coolness and

* Coggeshall, *American Privateers,* p. 173.

deliberation within half gunshot distance, the effect was appalling. The British officers now directed their gunners to take better aim and to fire into the Yankee's hull. The result of this was apparent at the next broadside, for the shots hulled the *Decatur,* killed two of her crew, and did much damage to the rigging. But Diron doggedly followed under the *Dominica's* stern and in this manner the two vessels ran on for several minutes. Finally, however, Diron overhauled the Englishman and at 3.30 gave the schooner a broadside. Then began a terrible scene of slaughter and bloodshed; one of the first of the British to fall was Lieutenant Baretté, and in fact the only English officers not killed or wounded were the surgeon and one midshipman. Finally, after 18 of their number had been killed and 42 wounded, the survivors of the *Dominica's* crew surrendered. Of the Americans, 5 were killed and 15 wounded.* Upon seeing the outcome of the conflict, the convoy immediately tacked to the south and by sunset had disappeared.† The *Decatur* then took her prize to Charleston, where they arrived on August 20. The *Dominica* was fitted out as a privateer carrying four guns and 36 men, but was captured by the British ship-of-the-line *Majestic* on May 23, 1814. Late in 1813 the *Decatur* went to sea again, but her cruise was unsuccessful; she was finally captured (June 15, 1814) by the British frigate *Phinn.**

One of the most remarkable actions of the war was that between the British frigate *Endymion,* 40, Captain Henry Hope, and the armed ship *Prince de Neufchâtel,* Captain John Ordronaux, which occurred off Nantucket on the night of October 11, 1814. Early in March of 1814 the *Prince de Neufchâtel* entered the English Channel and in one brief cruise made nine valuable prizes, six of which safely reached French ports. In June she again swept through the English Channel and between the 4th and 10th of that month sent six more prizes to Havre. In August she set out once more, this time for the Irish Channel, where within a short time she had captured a number of brigs, sloops, cutters, and armed ships. Instead of returning to a French port, as had been her custom, the American privateer sailed directly to Boston, where she was refitted and put to sea again early in October. The *Endymion,* one of the vessels which was blockading the port of New York, had gone to Halifax for repairs, and on October 11, while returning to her station off New York, fell in with the American privateer, then only a few days out of Boston.

* Lossing, *War of 1812,* pp. 1002–1003. Brackenridge (*History of the Late War,* p. 148) gives the British loss as 13 killed and 47 wounded and the American loss as 3 killed and 16 wounded.

† Coggeshall, *American Privateers,* pp. 175–176.

* Maclay, *American Privateers,* pp. 308–319; James, *Naval Actions,* p. 32.

The British vessel promptly gave chase and the Americans made every effort to escape. Just after sunset the wind died out completely and, as the current was sweeping him shoreward, Captain Ordronaux was forced to anchor. The many prizes taken had reduced the crew of the American vessel to 40, and, to make matters worse, she had 37 prisoners.* As the latter, in the presence of the danger that now beset the privateer, showed an intention to rise against the crew, they were handcuffed and sent below, every preparation being made for a desperate resistance.†

About nine o'clock at night Captain Ordronaux distinctly heard the sound of oars at a distance, whereupon the privateer began a rapid discharge of her great guns and small arms. The English ignored this and in a few minutes were alongside the *Prince de Neufchâtel,* one boat under each bow, one on each side, and the fifth under the stern, thus compelling the American crew to face five different points of attack at once. The men from the barges under the bows met with the least resistance and had gained the forecastle when Captain Ordronaux and a few followers turned the main gun on them and swept them off with cannister and musket balls. At the stern and along the sides the fight was hand to hand with knives, pistols, cutlasses, marlin spikes, belaying pins, and even with bare fists. Again and again the British sprang at the sides of the vessel in an attempt to gain its deck, but as often they were met with such a shower of heavy shot, muskets, and pistol balls that they were beaten back. At the end of 20 minutes the English cried out for quarter, upon which the Americans ceased firing. It was found that of the five barges, one had been sunk with 43 men, three more had drifted off with apparently no living soul in them, and the fifth (the launch under the stern) was taken possession of by the Americans and was found to contain only eight uninjured men in a crew of 36. The entire number of men in the five barges was 120, while Captain Ordronaux had but 40 fit for duty, of whom 7 were killed and 24 wounded.* The following morning the lieutenant, on behalf of the British seamen and marines, signed an agreement not to serve against the United States again in this war unless duly exchanged. On this agreement, the prisoners were placed on the shore at Nantucket by the privateer's launch and were taken in charge by the United States marshal. The *Prince de Neufchâtel* soon got under way and, evading the *Endymion,* ran into Boston Harbor on October 15.† On the night of

* Roosevelt, *Naval War of 1812*, p. 341.

† Coggeshall, *American Privateers*, p. 466.

* Roosevelt, *Naval War of 1812*, p. 342. Roosevelt says the British loss was either 28 killed, 55 wounded and 10 unhurt prisoners; or 28 killed, 37 wounded and 10 prisoners.

† Maclay, *American Privateers*, pp. 377–384; Hill, *Romance of the American Navy*, pp. 104–105; McMaster, vol. iv., pp. 116–118; Adams,

December 21 the *Prince de Neufchâtel* was captured by the British frigates *Leander, Newcastle,* and *Acasta,* then searching the seas for the *Constitution,* which had eluded them off Boston.

Another distinguished privateer was the *General Armstrong,* of New York, which was first brought prominently to the public attention by an action with an English ship off Surinam River, March 11, 1813. The vessel, then commanded by Captain Guy R. Champlin, was chased by the sloop-of-war *Coquette,* which he mistook for a letter of marque and approached with the intention of boarding. When within easy range, Champlin poured in his starboard broadside and, wearing the ship, delivered his port fire also. Then for the first time the stranger revealed her strength; the covers of her ports were triced up in rapid succession until the Americans found themselves facing 14 guns on the main deck, 6 guns on the quarter deck, and 4 guns on the forecastle. Fortunately the American gunnery was superior, which in some degree offset the great disparity of forces. For 45 minutes the *General Armstrong* lay within pistol shot of the Englishman, maintaining the unequal conflict in the hope that her antagonist would be disabled by some accident or by some lucky shot. When the enemy's gaff halyards had been shot away and his colors were down, the Americans lost an excellent chance to deliver an effective blow. Supposing that the enemy had surrendered, Captain Champlin let slip the opportunity to rake the deck of the Englishman fore and aft with his longtom. By this time the Englishman had suffered heavily from the privateer's fire; but, as the wind now rose, the American ship luffed to northward, forereached her antagonist, and by the use of what sails were left and the sweeps gradually drew out of gunshot. In this action the American vessel lost 6 men killed and 16 wounded. Champlin then made for port and arrived at Charleston on April 4.*

When Champlin relinquished the command of the *General Armstrong* that vessel was placed in charge of Captain Samuel Chester Reid. On the night of September 9, 1814, the *General Armstrong* ran the blockade at Sandy Hook and, after a long chase by two of the blockading squadron, dropped anchor in Fayal Roads on the afternoon of September 26 to obtain water and fresh provisions.† Before the ship could put to sea the British war-brig *Carnation,* 18, under Captain George Bentham, hove in sight close to the northeast head of

United States, vol. viii., pp. 207–210; Spears, *History of Our Navy,* vol. iii., pp. 202–204; Coggeshall, *American Privateers,* pp. 241–244.

* Coggeshall, *American Privateers,* pp. 105–109; Maclay, *American Privateers,* pp. 484–488; Lossing, *War of 1812,* p. 1001; Adams, *United States,* vol. vii., pp. 326–327. See also the extract from the log in *Niles' Register,* vol. iv., p. 133.

† *American State Papers, Naval Affairs,* vol. i., p. 495.

the harbor. A few minutes after, the British 74-gun ship-of-the-line *Plantagenet,* under Captain Robert Lloyd, and the 38-gun frigate *Rota,* under Captain Philip Somerville, hove in sight, and the three ships began an exchange of signals. Certain that mischief was brewing, though the boats were in a neutral port, Captain Reid cleared for action and with the aid of his sweeps moved nearer in shore.* The moon was nearly full at the time and as the sky was clear every movement of the vessels could be seen distinctly. Reid had not gone far, however, when four barges, under command of Lieutenant Robert Faussett, set out in pursuit of the *General Armstrong.* As soon as Reid saw the boats approaching, he dropped anchor with springs on his cable and brought his broadside to bear. As the boats came near he warned them to keep off or he would fire.† Although this warning was repeated several times, the British persisted in holding their course until they came close alongside, when, perceiving that the boats were well manned and apparently heavily armed, Reid could no longer doubt that they intended to attack him and opened up so steady and well aimed a fire that they soon cried for quarter and hauled off in a badly crippled condition.‡ According to American reports, the British loss in this encounter was more than 20 killed or wounded; whereas Captain Reid had one killed and his first officer wounded.* Knowing that a more formidable attack must soon come, Captain Reid hauled his vessel close to the beach and there anchored her head and stern.

About nine o'clock the *Carnation* was observed towing in a fleet of boats, which were soon cast off, and took station in three divisions, under cover of a small reef of rocks, within musket shot of the privateer. At midnight the boats were observed approaching the *General Armstrong* in close formation. Twelve boats were counted, each carrying a gun in the bow and containing in all some 400 men.† As soon as the British boats were within point blank range the privateer opened fire. The discharge of the longtom created fearful havoc among the enemy and for a time seemed to stagger them. But the British responded with their carronades and musketry and then made a dash for the privateer. Their boats

* *American State Papers, Naval Affairs,* vol. i., p. 495.

† Reid's report in Fay, *Official Accounts,* p. 270.

‡ Regarding the propriety of the conduct of the British officers in thus approaching, see the affidavits in Adams, *United States,* vol. viii., pp. 202–205.

* *American State Papers, Naval Affairs,* vol. i., p. 495; Coggeshall, *American Privateers,* pp. 373–375, 379; Lossing, *War of 1812,* p. 1004.

† The accounts of this affair vary greatly. Lossing (*War of 1812,* p. 1004) says 500 men; Maclay (*American Privateers,* p. 496) says 400 men; Adams (*United States,* vol. viii., p. 206) says 200 men. See also James, *Naval History,* vol. vi., p. 509; *Niles' Weekly Register,* vol. vii., p. 255, and supplement, p. 171. A letter to Cobbett, signed H. K. F., states the force to have exceeded 400. See Fay, *Official Accounts,* p. 276.

were soon under the bow and starboard quarters of the *General Armstrong,* and the big guns of the privateer were useless. But the Americans seized their small arms and prepared to keep off boarders. In a few minutes the British were engaged in a hand-to-hand conflict at the vessel's side, hacking at the boarding nettings and trying to climb on deck. Pikes, cutlasses, pistols and muskets now came into lively play and with deadly effect.* Wherever the English showed their heads above the bulwarks they instantly became a target. Time and again the British attempted to leap over the bulwarks, but as often were repelled with great slaughter. Having repulsed the enemy under the stern and fearing that they were gaining a foothold in the forecastle, Reid and the whole after division rushed forward. The renewed activity of the fire so discouraged the enemy at this end of the ship that they retired with great losses after an action of 40 minutes.† Having completely defeated the British, Captain Reid began to count his losses and those of the enemy. Two of the British boats had been sunk, two were captured literally loaded with dead and dying men, while the others full of dead and wounded made their way back to the fleet.‡ From information received from various sources, Captain Reid believed the enemy had 120 killed and about 130 wounded.* The British admitted 34 killed and 86 wounded. The Americans had but 2 killed and 7 wounded.†

After beating off the boats, Captain Reid received a note from the American consul asking him to come ashore, where he was informed that the governor of Fayal had remonstrated with Captain Lloyd, had begged him to desist from further attack, and had been answered that the privateer would be taken at any cost, even if the town had to be battered down in order to do so.‡

Satisfied that he could not save his vessel, Reid ordered the dead and wounded to be taken ashore, repaired his damages as well as he could and again cleared the deck for action. At daybreak the *Carnation* was discovered standing close in and in a few moments opened fire. Reid responded with his formidable battery and soon compelled the *Carnation* to haul off with her rigging much cut, her fore top-mast and hull wounded and some other injuries. After repairing her damages the *Carnation* renewed the attack and dropping anchor opened a deliberate fire on the *General Arm-*

* Reid's report in Fay, *Official Accounts,* p. 271.

† *American State Papers, Naval Affairs,* vol. i., p. 495.

‡ Reid's report in Fay, *Official Accounts,* pp. 271–272; also the letter from H. K. F. to Cobbett in *ibid,* p. 276.

* Lossing, *War of 1812,* p. 1004.

† Roosevelt, *Naval War of 1812,* pp. 338–340; McMaster, vol. iv., pp. 118–119; Maclay, *American Privateers,* pp. 491–498; Adams, *United States,* vol. viii., pp. 206–207; Spears, *History of Our Navy,* vol. iii., pp. 186–201.

‡ *American State Papers, Naval Affairs,* vol. i., p. 495.

strong with the intent to destroy her. Thinking he had done enough for the honor of his flag, Captain Reid scuttled his vessel and went ashore with his crew. English boats then boarded the privateer and set her afire.* A number of houses in the town were injured by the *Carnation's* fire and some of the inhabitants were wounded. Captain Reid had indeed done wonders; for so great was the damage inflicted upon the English that the fleet was forced to stay a week at Fayal burying their dead and attending to their wounded. Three days after the battle they were joined by the sloops of war *Thais* and *Calypso,* detailed by Captain Lloyd to take the wounded to England. This week's delay was most important; for the three vessels (on their way to Jamaica to join the expedition against New Orleans) were prevented by the battle from arriving on time and so delayed Pakenham's fleet that Jackson had time to put New Orleans in a state of defence. By his splendid defence of the *General Armstrong* Captain Reid may therefore be justly said to have contributed much to Jackson's victory at New Orleans.* After the fight Captain Reid and his surviving men retired to an old Gothic convent in the interior and prepared to defend themselves against further attack by the British. Captain Lloyd, however, did not see fit to resume hostilities. From Fayal Reid was taken by a Portuguese ship to Amelia Island, whence he made his way by land to New York.†

* *American State Papers, Naval Affairs,* vol. i., p. 496.

* Roosevelt, *Naval War of 1812,* p. 340; Lossing, *War of 1812,* pp. 1004–1005.

† Maclay, *American Privateers,* pp. 499–502; Barnes, *Naval Actions of the War of 1812,* pp.

CHAPTER XXII.

1813-1815.

THE COAST BLOCKADE: CAPTURE OF WASHINGTON: LAST NAVAL BATTLES.

Beresford's attack on Lewiston, Delaware — Cockburn's attack on Frenchtown, Havre de Grace and other places — Defeat of the British at Craney Island — The pillaging of Hampton — The "Blue Light Treason" — Capture of Eastport, Nantucket, Castine and other places — Morris' defence of the *Adams* — Surrender of Bangor — Bombardment of Stonington — Defeat of the Americans at Bladensburg — The capture and burning of Washington — Operations of Gordon's fleet — Armstrong's resignation — Death of Parker — Attack on Baltimore — Defeat of the *President* — Destruction of the *Penguin* by the *Hornet* — Escape of the *Hornet* — Action between the *Peacock* and *Nautilus* — Defeat of the *Cyane* and *Levant* by the *Constitution* — Escape of the *Constitution.*

The declining power of Napoleon enabled England to devote more attention to the war in America. Rumors of a blockade began to be heard in the closing days of January of 1813, when the fishermen of Chesapeake and Delaware bays reported that British ships were hovering off

the coast. Early in February the people of Norfolk learned that a British fleet of six vessels was steaming in toward Hampton Roads. The people of the seaboard cities and towns then began to realize the dangers to which their defenceless position exposed them and made haste to protect their property. At Philadelphia, the city government having failed to concert measures of defence, the citizens assembled at the Coffee House, formed an association to defend the ports and harbors, and named a committee to prepare a plan. Another committee called on the young men to form a corps of light infantry to defend the city and the shores of the Delaware and requested the draymen, who were willing to form a corps of light artillery, to act with the first regiment of Pennsylvania cavalry.* At Wilmington a similar meeting was held and resolutions were passed to build a fort below the rocks, to enroll and arm all the men, to arrange signals, etc. They acted none too soon, for early in February of 1813 a squadron under Captain John P. Beresford appeared in Delaware Bay and began to destroy merchant vessels. Beresford made a demand upon the mayor of Lewiston, Delaware, for "twenty live bullocks with a proportionate quantity of vegetables and hay," threatening to destroy the town on refusal.* The mayor referred the demand to Governor Joseph Haslet, who refused compliance. Accordingly on April 6, Beresford moved up the river with the *Poictiers* and two other frigates† and for twenty-two hours maintained a steady bombardment, throwing 800 shot besides Congreve rockets and shells, after which the ships drew off.‡ The damage inflicted on the town was estimated at about $2,000.||

This new and discreditable species of warfare was carried on by the British ships principally in the Chesapeake. While Beresford was busy in the Delaware, Admiral Sir John Borlase Warren dispatched a fleet consisting of the 36-gun frigate *Maidstone,* the brigs *Fantome* and *Mohawk,* and four prize schooners with 400 or 500 seamen under Rear-Admiral Sir George Cockburn, to destroy everything in Chesapeake Bay that could serve a warlike purpose and to interrupt as far as possible communi-

159–167; McMaster, vol. iv., pp. 119–120. See also Lossing, *War of 1812*, p. 1004; Coggeshall, *History of American Privateers*, p. 370; Lamb, *City of New York*, vol. ii., pp. 655–659; the *Collection of Sundry Publications and Other Documents, in Relation to the Attack made during the Late War upon the Private Armed Brig General Armstrong* (New York, 1853). *Cf. International Law. The Case of the Private Armed Brig of War General Armstrong, containing Letters and Documents Referring to the History of the Claim* (New York, 1857).

* McMaster, vol. iv., pp. 121–122. The minutes of the Committee of Defence are in *Pennsylvania Historical Society Memoirs*, vol. viii.

* Lossing, *War of 1812*, p. 668.

† McMaster (vol. iv., pp. 122–123) says the *Poictiers*, but Lossing (*War of 1812*, p. 669) says the *Belvidera*, as does Brackenridge, *History of the Late War*, p. 128.

‡ Lossing, *War of 1812*, p. 669.

|| McMaster, vol. iv., p. 123.

cation along the shore. With this petty force, Cockburn made for the head of the bay, spreading consternation wherever he went. The inhabitants seem to have become so thoroughly panic-stricken that they allowed Cockburn and his men to take quiet possession of Spesutia Island at the mouth of the river not far from Havre de Grace, and to obtain supplies of fresh food for the whole British force in Chesapeake Bay, while they spent their time not in fighting, but in hiding and carrying away their property. At Elkton the few stores in the place were emptied and the goods hurried into the country, while the specie was taken to Lancaster, Pennsylvania. At Frenchtown the people worked night and day to get every box, bale and barrel to a place of safety. This town, really but a village of a dozen buildings, had acquired some importance as a place of deposit for goods transported from Baltimore to Philadelphia. Hearing of this, Cockburn, on April 28, moved into the Elk River and sent his boats with 150 marines* to Frenchtown, drove away the few militia who made a show of resistance, and burned whatever property was found.†

Cockburn then sent the troops to Havre de Grace to destroy a battery lately erected there. Reaching the place early on the morning of May 3, the British captured the earthwork (defended by three cannon and about 50 men), its defenders fleeing to the woods.* Cockburn's troops then entered the village and by nightfall had burned four vessels, the ferry boats, the stages, a bridge, 13 houses, two taverns, 10 stables, a saw-mill and a blacksmith shop.† According to Cockburn, the purpose of this vandalism was "to cause the proprietaries (who had deserted them and formed part of the militia who had fled to the woods) to understand and feel what they were liable to bring upon themselves by building batteries and acting toward us with so much useless rancor."‡ Having destroyed Havre

* James, *Military Occurrences*, vol. ii., p. 33. Lossing (*War of 1812*, p. 670) says 400 men.

† Admiral Warren's report of May 28, 1813, to J. W. Croker. See also *American State Papers, Military Affairs*, vol. i., p. 359; McMaster, vol. iv., p. 124; Adams, *United States*, vol. vii., pp. 266–267; Brackenridge, *History of the Late War*, p. 130; James, *Military Occurrences*, vol. ii., pp. 33–36, and App. viii.

* Lossing, *War of 1812*, pp. 670–672. For the British account see James, *Military Occurrences*, vol. ii., p. 37 *et seq.*

† McMaster, vol. iv., pp. 124–125. Lossing (*War of 1812*, p. 672) says that 40 of the 360 houses in the village were destroyed and the value of the property destroyed was not less than $60,000. Adams (*United States*, vol. vii., p. 267) says "some sixty houses" were set afire. See also Brackenridge, *History of the Late War*, pp. 130–131; *North American Review*, vol. v., p. 160.

‡ See Cockburn's report to Warren, May 3, 1813, in James, *Military Occurrences*, vol. ii., app. ix. See also the account by Jared Sparks, in *North American Review*, vol. v., p. 157. On the manner in which the war was conducted see the correspondence between Monroe and Cockrane in *American State Papers, Foreign Relations*, vol. iii., p. 693, and *Military Affairs*, vol. i., pp. 339–381. The latter document (*A Report of a Committee of Congress relating to the Spirit and Manner in which the War has been waged by the Enemy*) was reprinted as *Barbarities of the Enemy* (Troy, 1813). On the treatment of prisoners see *American State Papers, Foreign Relations*, vol. iii., pp. 630, 726.

de Grace, Cockburn immediately moved up the Susquehanna in his boats and, meeting no resistance, destroyed a large cannon foundry at Cecil Furnace, together with several vessels.* His handful of men passed the day undisturbed on the banks of the Susquehanna, capturing 51 cannon and 130 stand of small arms. By 10 o'clock at night the men were again on board their ships, having sustained a loss of only one man injured.† On the night of May 5–6 Cockburn sent another body of 600 troops in 18 barges into the Sassafras River, where for the first time the militia (100 in number) gathered to make a respectable defence. Cockburn landed, soon dispersed the militia, and pillaged and burned Fredericktown and Georgetown with the vessels and stores he found there, inflicting a loss estimated at $70,000.‡ The next day (May 6) he reported to Admiral Warren that Charlestown on the northeast river and other places in the upper part of Chesapeake Bay had assured him that they were at his mercy and that neither guns nor militiamen should be suffered there.‖ Cockburn then returned leisurely to Lynnhaven, where for six weeks the British fleet remained comparatively inactive.*

Admiral Warren's attention was then drawn to Norfolk, which was of no little importance in a commercial sense, but which was the chief obstacle between him and the Gosport navy yard, near which lay the frigate *Constellation*. On June 20, just before daylight, 15 of the gunboats whose duty it was to close the mouth of the Elizabeth River came out into the Roads and attacked the British frigate *Junon*, 38, but were finally obliged to retire, with the loss of one man killed and two wounded. The *Junon* lost one man killed and received only one or two shots in her hull.† In revenge, therefore, Admiral Warren determined to take Norfolk.

The utmost care had been taken to provide against attack by water. Captain Walker K. Armistead had constructed forts on the banks below the town and General Wade Hampton had taken command of the troops. Five miles below the forts on the west bank was another line of works, defended by Brigadier-General Robert B. Taylor of the Virginia militia.‡ Separated from these works by a few yards of water was Craney Island, on

* James, *Military Occurrences*, vol. ii., pp. 39–40.

† Adams, *United States*, vol. vii., pp. 267–268.

‡ Lossing, *War of 1812*, pp. 674–675; Brackenridge, *History of the Late War*, p. 132. See also James, *Military Occurrences*, vol. ii., p. 46 *et seq.*, and App. x.

‖ James, *Military Occurrences*, vol. ii., pp. 48–49.

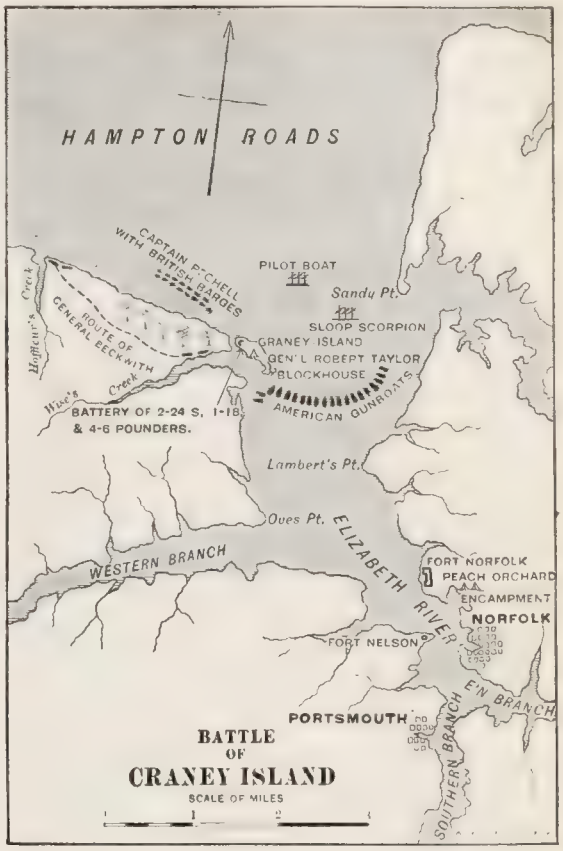
* McMaster, vol. iv., p. 125; Adams, *United States*, vol. vii., pp. 268–269.

† Cassin's report in Brannan, *Official Letters*, p. 171 *et seq.*; Roosevelt, *Naval War of 1812*, p. 200; Cooper, *Naval History*, vol. ii., pp. 116–117; Maclay, *History of the Navy*, vol. i., pp. 531–532; McMaster, vol. iv., p. 126; James, *Military Occurrences*, vol. ii., pp. 54–56, and app. xii. Some say the ship attacked was the *Narcissus*.

‡ McMaster, vol. iv., pp. 126–127.

which a battery of seven guns manned by 100 sailors and 50 marines from the *Constellation* had been established.* Captain John Cassin had also moored a line of 15 or 20 gunboats across the channel of Elizabeth River, their left resting on Craney Island. The total force on the island consisted of 735 troops.† The attack was planned for June 22. The land forces (in all 2,650 rank and file) were under command of Major-General Sir Sydney Beckwith, who led the main attack in person. The force commanded by Beckwith was to approach Craney Island from the rear or mainland, while Captain S. G. Pechell of the 74-gun brig *San Domingo* was to approach the island with 500 troops and 200 sailors‡ directly under the fire of the American guns on the island, but not exposed to those in the gunboats. But for the lack of concert with British forces the plan would have succeeded. At daylight of the 22d Beckwith landed with 800 men, and pushed forward to attack Craney Island from the rear.‖ Pechell with his 700 men§ went along the shore and approached the island from the northwest.

About 11 o'clock the marine force came within range of the American battery, but instead of waiting until Beckwith could reach the rear Pechell immediately began the attack in front. As the water was shallow, the leading boats grounded when 200 or 300 yards from land. The sailors might have waded ashore, but refused; and after three boats had been shattered, they hastily retired. Seeing that the boats



did not sink, midshipman Josiah Tatnall, with a few of the crew of the *Constellation,* waded out and brought them safely to shore.* Meanwhile Beckwith's approach by land had been stopped by creeks, which he reported as too deep to ford, but which

* Cooper, *Naval History,* vol. ii., p. 117.

† Lossing, *War of 1812,* p. 678.

‡ James, *Military Occurrences,* vol. ii., p. 58.

‖ *Ibid.,* vol. ii., p. 57. Lossing (*War of 1812,* p. 679) says 2,500 men.

§ Lossing says 1,500.

* C. C. Jones, Jr., *Life of Commodore Josiah Tatnall,* p. 17; Maclay, *History of the Navy,* vol. i., pp. 532–533; Roosevelt, *Naval War of 1812,* pp. 201–202.

he might easily have gone around. Nevertheless he reëmbarked his troops without further effort. Three of the British boats were sunk, three men were killed and 16 wounded, and 62 reported as missing. The Americans suffered no loss whatever.*

To compensate his men for the failure at Craney Island, Warren immediately devised another movement. Opposite Craney Island, ten miles away on the north shore of the James River, stood the village of Hampton, which was of neither military nor commercial importance. A sand battery manned by 400 or 500 raw Virginia militia defended the town. In his official report of June 27, 1813, Warren said that the enemy had a post at Hampton, defended by a considerable corps, commanding the communication between the upper part of the country and Norfolk, and he therefore considered it advisable to attack it with a view to cutting off their resources.† This served as Warren's excuse for the attack. Accordingly, on the morning of June 25, Beckwith's troops were sent ashore two miles above the village with orders to take it in the rear while Cockburn with his barges made a feint in front. The militia made a good fight and inflicted a loss of nearly 50 men on Beckwith's troops, with a loss to themselves of about 30.* But they soon gave way and the British troops entered the town, where they were allowed to do as they pleased with property and persons. In his diary Lieutenant-Colonel Charles J. Napier says that every horror — rape, murder and pillage — was perpetrated with impunity and not a man was punished.† In their report the American commissioners appointed to investigate the matter said: "We are sorry to say that from all information we could procure, from sources too respectable to permit us to doubt, we are compelled to believe that acts of violence have been perpetrated which have disgraced the age in which we live. The sex hitherto guarded by the soldiers' honor escaped not the rude assaults of superior force." ‡ Beck-

* Adams, *United States*, vol. vii., pp. 270–275; McMaster, vol. iv., pp. 126–128; Dawson, *Battles of the United States*, vol. ii., p. 257; Cullum, *Campaigns of the War of 1812 to 1815*, p. 273; *Harper's Magazine*, vol. xxviii., p. 10; *Virginia Historical Register*, vol. i., p. 132; James, *Military Occurrences*, vol. ii., pp. 58–64.

† James, *Military Occurrences*, vol. ii., app. xiv.

* Lossing, *War of 1812*, pp. 680–683.

† See also James, *Naval History*, vol. vi., p. 234; Adams, *United States*, vol. vii., pp. 275–276; Brackenridge, *History of the Late War*, pp. 134–136; McMaster, vol. iv., p. 128.

‡ In his report to the House on British atrocities on July 31, 1813, Bacon said: "These barbarities may be rationally considered as the consequence of the example set by the officers of the naval force on our coast. * * * That troops who had been instigated by the example of their officers to plunder the property and burn the houses of unarmed citizens, should proceed to rape and murder, need not excite surprise, however it may inspire horror, * * *. The shrieks * * * were heard by the American prisoners, but were too weak to reach the ears or disturb the repose of the British officers, whose duty, as men, required them to protect every female whom the fortune of war had thrown into their power. The committee * * * deeply regret that the evidence so clearly establishes the truth [of the charges

with attempted to justify the atrocities by the law of retaliation and also tried to shift the blame to some French soldiers attached to the British forces, but it cannot be denied that an officer is responsible for the conduct of the troops under his command. Warren and Beckwith subsequently dismissed the Chasseurs Brittaniques from the service.* Warren made no attempt to hold the town, but after two days retired with his troops to Lynnhaven. During the rest of the year he cruised about the bay, meeting with little resistance and keeping Virginia and Maryland in constant alarm.†

In the North attacks on the coast were conducted by Commodore Sir Thomas Hardy in a manner much more creditable to British arms. Nevertheless his blockade was stringent and its efficiency was shown by the failure of Decatur's efforts to evade it. Decatur was at New York with the *United States,* the *Macedonian,* and the *Hornet,* waiting for a chance to slip out. Despairing of running the blockade off Sandy Hook, Decatur took his fleet through the East River into Long Island Sound. He reached Montauk Point on May 29 and on June 1 attempted to run out, but was chased by three of the enemy's ships and was compelled to put back to New London.* A British squadron immediately closed up the harbor and Decatur withdrew his ships as far as he could into the river and took every precaution to repel an attack. Though the British made no attempt to take the town, Decatur was obliged to remain idle all summer.† He still clung to the hope of escaping during the winter, thinking that the British (because of the severity of the weather) would then be less vigilant. But, according to his letter sent to the Secretary of the Navy, as often as he attempted the passage blue light signals would be displayed at the harbor's mouth, thus warning the British squadron. He said that these signals had been seen by many persons in the squadron, but he had been unable to detect those who communicated with the enemy.‡ Decatur's letter of December 20 was brought up in the House of Representatives in January of 1814, but nothing resulted from the investigation.||

The northern seacoast, which had thus far experienced little molestation from the enemy, became the object of attack early in the spring. Determined to stop blockade-running, the British naval officers proclaimed a blockade of the entire seacoast and

against the British]."—*American State Papers, Military Affairs,* vol. i., p. 340. Regarding this see the British version, in James, *Military Occurrences,* vol. ii., p. 66 *et seq.*

* Lossing, *War of 1812,* pp. 683–684.

† McMaster, vol. iv., pp. 128–129; Adams, *United States,* vol. vii., pp. 277–278

* Roosevelt, *Naval War of 1812,* p. 177; Lossing, *War of 1812,* p. 691.

† Cooper, *Naval History,* vol. ii., p. 119.

‡ Lossing, *War of 1812,* p. 695.

|| Adams, *United States,* vol. vii., pp. 278–280; Ingersoll, *History of the Second War,* vol. ii., p. 55; Waldo, *Life of Decatur,* chap. xiii.

then began their attacks along the northern shores. On April 7, 1814, a body of 200 sailors and marines ascended the Connecticut, landed at Pettipaug (or Pautopaug) Point about six miles above Saybrook, and destroyed the shipping found there, as they did also at Brockway's Ferry, in spite of a body of militia. On this marauding expedition about $200,000 worth of shipping was destroyed.* By September all land east of the Penobscot had been conquered and formally annexed to New Brunswick.† The first to go were Moose Island and the town of Eastport. On July 11 Sir Thomas Hardy appeared off Eastport with a fleet and a force of 1,200 men and sent an officer with a flag of truce on shore. The major in command at Fort Sullivan finally surrendered, and within an hour the British flag was raised and the British troops surrounded the town. A few days later a proclamation was issued to the people announcing that the islands in Passamaquoddy would be occupied by British forces and that the inhabitants of Moose Island and its dependencies must swear allegiance to Great Britain or leave the island within a week. About two-thirds of the inhabitants submitted to this indignity, but the expected advantages from this humiliation were not realized. Such as held out were conducted to the mainland or carried as prisoners to Halifax.*

The next to go was Nantucket. The blockade had worked especially hard on the people of the island, where by July famine seemed near. Permission was requested of Admiral Cochrane to bring fuel and provisions to the island. The admiral stated that if the people would surrender all public property and remain neutral during the war, they would be allowed to bring in food, clothes, and provisions, but could catch neither fish nor whales. These terms being accepted, the promise was made.†

Castine suffered a similar fate. On August 26 Lieutenant-Colonel Sir J. C. Sherbrooke with a fleet carrying nearly 2,000 troops,‡ set sail from Halifax, and arrived at the Penobscot on September 1. A flag of truce was sent on shore and the surrender of the fort demanded, five minutes being allowed for compliance. The commander immediately ordered the flag back to the ship, fired off his four guns as the fleet drew nearer, and blew up the fort.‖ The British troops then took possession of Castine and promptly sent expeditions against Belfast and Hampden, where the 28-gun corvette

* Lossing, *War of 1812*, p. 888.

† McMaster, vol. iv., pp. 129–130.

* Williamson, *History of Maine*, chap. xxvi.; Brackenridge, *History of the Late War*, p. 210; McMaster, vol. iv., pp. 130–131; Adams, *United States*, vol. viii., p. 94; Lorenzo Sabine, in *Historical Magazine* (April–May, 1870); Lossing, *War of 1812*, p. 890.

† McMaster, vol. iv., p. 131.

‡ Lossing (*War of 1812*, p. 897) says nearly 4,000.

‖ *Ibid*, p. 898.

Adams was undergoing repairs. A few days before Sherbrooke's arrival the *Adams,* under Captain Charles Morris, was brought into the Penobscot in a sinking condition. Repairs on the ship were far from finished when the British entered the Penobscot and sent a detachment of 700 men by land and 800 by sea to destroy the vessel.* Morris hastily arranged his 28 guns in three batteries, manned them with his crew and begged the militia to protect the rear and flanks, distributing the ship's muskets among them. Hidden from view by a dense fog, the British landed unseen, attacked and routed the militia, and took the batteries in rear and flank. Unable to hold out, Morris set fire to the *Adams,* spiked his guns and retreated.†

The British then passed up the river in four ships and seven barges, dropped anchor off Bangor, and demanded the surrender of the town. The people asked for terms, which were announced to be unconditional surrender, provisions for the troops, 40 horses and quarters in private families for the officers. The townspeople could do nothing but submit. The British burned such shipping as was at the wharves, seized all the powder and every arm in the village, and ordered the selectmen of the town to finish, launch and deliver those vessels on the stocks before October 30 or pay a ransom of $30,000.* At Bangor the British remained nearly a week, and, as Sherbrooke had no orders to occupy the country west of the Penobscot, the troops returned to Castine on September 9. Detachments were sent to occupy Belfast and Machias, so that the whole of Maine east of the Penobscot was in Sherbrooke's hands. Thus about 100 miles of Massachusetts seacoast passed quietly under the British yoke and so remained without the least resistance until restored by the treaty of peace. The male citizens took the oath of allegiance to the king and showed no unwillingness to remain British subjects.†

By this time all New England was in alarm. People hurried their goods and property into the woods, banks buried their specie, and every effort was made to prevent the British from capturing more than empty houses. Two men-of-war plundered, destroyed and laid the towns of Barnstable county under contribution. To save their salt works from destruction. Wellfleet paid $2,000, Brewster, $4,000, and Eastham, $1,200. When Hardy had finished his work at Moose Island, he sailed southward with part

* Maclay, *History of the Navy,* vol. ii., pp. 3–4.

† *Autobiography of Charles Morris,* pp. 177–179; McMaster, vol. iv., pp. 132–133; Adams, *United States,* vol. vii., pp. 95–96; Cooper, *Naval History,* vol. ii., p. 125; Roosevelt, *Naval War of 1812,* pp. 337–338; Lossing, *War of 1812,* pp. 899–900; James, *Military Occurrences,* vol. ii., pp. 245–248, and app. liii–lxi.

* Lossing, *War of 1812,* p. 901.

† Adams, *United States,* vol. viii., pp. 96–97; Lossing, *War of 1812,* pp. 902–903; McMaster, vol. iv., p. 133.

of his squadron and on August 9 appeared off Stonington, Connecticut. Just before sunset the guns of the fleet opened and kept up a steady fire until midnight. The next day it was resumed and continued until noon, when the selectmen sent a flag to ask Hardy what he wished. He replied that he wished the people to give assurance that no torpedoes would be fitted out at Stonington and that they would send aboard the family of the late British consul at New London.* No reply being made to this demand, the ships again opened fire and continued it for another day, when they withdrew. By this time half the village was in ruins.†

The British next determined to make a diversion somewhere on the southern coast in favor of the army on the Canadian frontier. On June 27 Major-General Robert Ross, who was chosen to make this diversion, sailed to Bermuda, where he arrived on July 24. The point of attack was to be decided by Cochrane, subject to the approval of Ross. Cochrane decided in favor of the Chesapeake and on August 3 the expedition set sail from Bermuda for the Bay, passing the Capes and landing at the mouth of the Potomac on August 15.‡ At this time Washington was absolutely unprotected, save by old Fort Washington, and the little flotilla under Joshua Barney, which consisted of the sloop *Scorpion,* two gunboats and nine barges. Barney had performed prodigious feats with his little fleet and had eluded capture by running up small creeks out of reach of the British guns.* But his flotilla was useless against a land expedition.

Armstrong seemed to think that since there was no strategy impelling the British to capture Washington, they would not make the attempt. Moreover, it was thought that the British would not venture, with any force at their command, upon so hazardous an expedition as that of assulting the capital of the United States.† Nevertheless, aware of the threatened invasion, the President began to press Armstrong early in May to take precautionary measures.‡ On June 23 and 24 Cabinet meetings were held at which the defence of Washington was considered. Requisitions were sent out to the District of Columbia for 2,000 men; to Maryland for 6,000 men; to Pennsylvania for 5,000 men; and to Virginia for 2,000 men; making a total of 15,000, of which it was expected that

* Lossing, *War of 1812*, pp. 893–895.

† McMaster, vol. iv., p. 134; James R. Durand, *Life and Adventures* (Rochester, 1820).

‡ Adams, *United States*, vol. viii., pp. 124, 127.

* For details see Cooper, *Naval History*, vol. ii., p. 134 *et seq.;* Roosevelt, *Naval War of 1812*, p. 317 *et seq.*

† Edward D. Ingraham, *A Sketch of the Events which Preceded the Capture of Washington*, p. 4, quoting the *National Intelligencer*, also p. 48; Williams, *Invasion and Capture of Washington*, pp. 23–24, 32, 38–39, 60.

‡ See Madison's letter to Armstrong, May 20, 1814, Madison's *Works* (Congress ed.), vol. iii., p. 399. See also Williams, *Invasions and Capture of Washington*, p. 40 *et seq.*

10,000 would take the field.* On July 2 the District of Columbia, Maryland, and part of Virginia were formed into a military district† with a military head of its own, and to the command of which Madison appointed Brigadier-General William H. Winder.‡ Winder entered upon his duties on July 5 and passed the next month scouring the country from Baltimore to Washington and points on the lower Potomac and Patuxent in search of spots on which to build defensive works.|| But difficulties of various kinds beset his path and on August 1, when he established his permanent headquarters at Washington, his labors had resulted in nothing more than the presence of 1,000 regulars and about 4,000 enrolled militia, of which the larger portion was yet to be collected.§ On the day the ships of Cochrane and Ross dropped anchor off the Potomac, no line of defence had been selected, not a ditch nor a breastwork had been marked out or suggested, no obstacles had been placed in the roads, nor had Winder any more men, arms or ideas than he had when he took office.* Furthermore, the call of the governor of Maryland for 3,000 militia produced only some 250.† The governor of Pennsylvania had no authority to draft men, and, as he could only appeal to the patriotism of the people, the requisition for troops met with indifferent success.‡

The British had not been inactive. When the transports arrived on August 17, the squadron moved 20 miles up the Bay to the mouth of the Patuxent, whence Cochrane wrote a note to Secretary Monroe saying that he had ordered the destruction of towns and districts along the coast in retaliation for the depredations in Upper Canada.|| When the army reached Benedict it was divided into three brigades numbering altogether, according to British accounts, 4,500.§

* Lossing, *War of 1812*, p. 918; *American State Papers, Military Affairs*, vol. i., pp. 524, 539; Brackenridge, *History of the Late War*, p. 254. Ingraham (*Events Preceding the Capture of Washington*, p. 42) gives a detailed statement of the requisition.

† Ingraham, *Events Preceeding the Capture of Washington*, p. 8. For a review of the Proceedings of the Cabinet meeting of July 1, see Williams, *Invasion and Capture of Washington*, chap. ii.

‡ Williams, *Invasion and Capture of Washington*, pp. 71–80; Babcock, *Rise of American Nationality*, pp. 136–137. See also *American State Papers, Military Affairs*, vol. i., p. 524. This was the same Winder captured on the Canadian frontier.

|| *American State Papers, Military Affairs*, vol. i., pp. 526, 546, 552; Ingraham, *Events Preceding the Capture of Washington*, p. 18.

§ Lossing, *War of 1812*, pp. 919–920; *American State Papers, Military Affairs*, vol. i., pp. 546–548; Williams, *Invasion and Capture of Washington*, pp. 90–92; Brackenridge, *History of the Late War*, p. 255; Ingraham, *Events Preceding the Capture of Washington*, pp. 21–23.

* Adams, *United States*, vol. viii., pp. 121–123; McMaster, vol. iv., p. 137; Ingersoll, *History of the Second War*, vol. ii., p. 164.

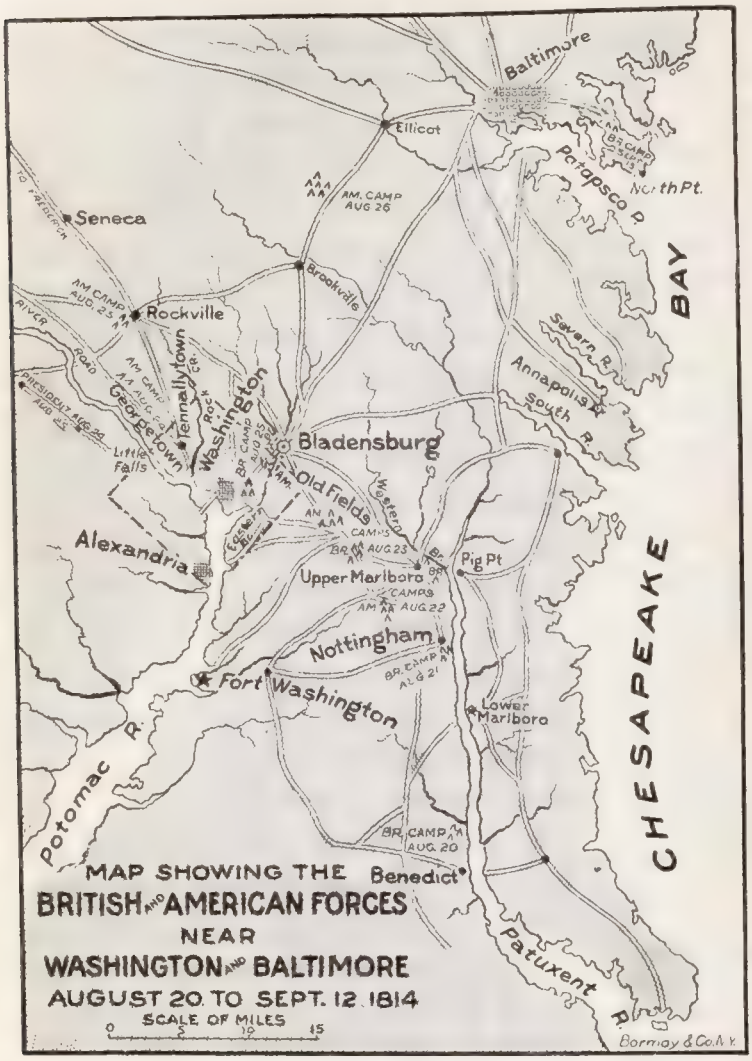
† *American State Papers, Military Affairs* vol. i., pp. 526, 552, 554.

‡ *Ibid.*, vol. i., pp. 525–526; Lossing, *War of 1812*, p. 919.

|| *American State Papers, Foreign Relations*, vol. iii., p. 693.

§ Gleig, *Campaigns of the British Army at Washington and New Orleans*, pp. 94–95.

On the 20th Cochrane with the boats of the fleet started up the river in search of Barney's flotilla,* while the land force marched along the road and abreast of the boats. To prevent troops coming from Washington to cut off retreat, Captain John A. Gordon was sent up the Potomac for the purpose of bombarding Fort Washington (or Warburton), a few miles below Alexandria. Another expedition was sent under Sir Peter Parker to make a demonstration in the Patapsco.



Probably never in history has such a march been made. In this region 100 militiamen with axes and spades could have delayed their progress for days. Without cavalry, with hardly a piece of cannon, General Ross was allowed to advance unmolested through a well-settled country abounding in defiles, ravines, streams, woods and the like, of which the Americans took no advantage.* Instead, they kept retreating without a blow in defence of their homes; and the British encountered nothing more serious than a thunder storm along the route from Benedict to Nottingham.† Passing a quiet night at the latter place, the British reached Upper Marlboro on the 22d.‡ On the way they heard the explosions which announced that Barney had blown up his flotilla by

* Evidently this was only a pretext for ascending the river, the real object being the capture of Washington. See Williams, *Invasion and Capture of Washington*, pp. 132–134; Gleig, *Campaigns*, pp. 97–98.

* Ingraham, *Events Preceding the Capture of Washington*, pp. 14–15.

† Gleig, *Campaigns*, p. 102.

‡ Williams, *Invasion and Capture of Washington*, pp. 162–164.

the order of the Secretary of the Navy, to prevent their capture by Cockburn's vessels.* Instead of marching at daybreak of August 23 either to Baltimore or Washington, Ross passed the next day in idleness at Marlboro. He finally decided to attack Washington, and accordingly, on the afternoon of the 23d, put his troops in motion. Nothing happened until 5 o'clock, when, having gone within ten miles of Washington, Ross struck the American outposts and saw a force posted on high ground about a mile in their front at Old Fields. The British then formed to attack; but the American force promptly dispersed, and that night the invaders camped within nine miles of the capital.†

Meanwhile, on August 18, news arrived at Washington that the British fleet had appeared in the Patuxent. The President immediately sent out requisitions to the neighboring States, Monroe rushed off to play the scout along the Patuxent,‡ while Armstrong merely offered advice. Winder was nearly distracted by the letters, consultations, orders and demands which crowded upon him from morning till night, and though extremely busy, he did nothing, according to his own account.* Armstrong neither furnished troops, means to repel invasion nor military intelligence to carry out orders. The citizens seem to have been the only ones to take prompt and intelligent action. At a public meeting they resolved to erect works at Bladensburg at their own expense. Winder promptly accepted their offer, and by the following night the first signs of defence appeared.†

At 9 o'clock on the night of August 22 Monroe sent a note to Madison saying that the enemy was in full march toward Washington; that Winder proposed to retire until the troops could be collected; that preparations should be made to destroy the bridges; and that the official papers of the government should be moved to a place of safety.‡ On the same night a brigade of Maryland militia under General Tobias E. Stansbury arrived at Bladensburg, after a very fatiguing march, and was joined the next evening by the 5th Baltimore Regiment under Colonel Joseph Sterett and a rifle battalion under Major William Pinkney.‖ Secretary Monroe arrived at Stansbury's quarters about midnight and, informing him of the British advance, advised him to fall on the British rear immediately. But as

* Cooper, *Naval History*, vol. ii., p. 136; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 225–226; James, *Military Occurrences*, vol. ii., 277 *et seq.*

† Gleig, *Campaigns*, pp. 109–111, 118; McMaster, vol. iv., pp. 136–137; Adams, *United States*, vol. viii., pp. 127–131.

‡ *American State Papers, Military Affairs*, vol. i., p. 536.

* *Ibid*, p. 554.

† *Ibid*, p. 582.

‡ *Ibid*, vol. i., p. 539; Williams, *Invasion and Capture of Washington*, p. 158.

‖ Ingraham, *Events Preceding the Capture of Washington*, p. 23; Lossing, *War of 1812*, p. 924; Williams, *Invasion and Capture of Washington*, p. 137.

Stansbury's troops were greatly fatigued by their recent march, he declined and remained at his post during the night.* Early the next morning, having heard of Winder's retreat, he crossed the bridge over the eastern branch of the Potomac and, after securing his rear, halted a few hours.† Later in the morning he again moved forward with a view of taking possession of some ground for defence, when orders were received from General Winder to give battle to the enemy at Bladensburg in case they came that way.‡

Winder was satisfied as early as noon of Monday, August 22, that the British were going to Bladensburg. But, instead of retreating there, he ordered his troops to fall back to Old Fields, about five miles in the rear of the Wood Yard and about seven miles from the navy yard.‖ With this force (3,200 men) at his command, Winder ought to have attacked Ross, but he spent Tuesday afternoon, August 23, in scouting. Convinced that the British would not march that day, he rode off about noon for Bladensburg, leaving the army to itself.§ Hardly had he gone from camp when Ross resumed his march and made directly for Old Fields. Some resistance might have been made by the Americans, had not Winder been summoned to return. On his arrival on the field at 5 o'clock he ordered a retreat.* But, instead of going to Bladensburg, as every military reason required, he fell back to Washington by way of the bridge over the eastern branch of the Potomac, and camped in the navy yard.† Thus Winder carefully guarded a bridge a quarter of a mile long over an impassable river, defended by the guns of the war vessels and the navy yard, but left open the Bladensburg road leading directly to the capital and the White House. Accordingly the British broke camp early on the morning of the 24th and started for Bladensburg.‡ Winder had been uncertain as to what to do and wrote to Armstrong asking the advice of the Cabinet.‖ The members of the Cabinet repaired to headquarters, but hardly had they arrived when information was received that the British were marching toward Bladensburg.§ Camp was instantly broken and in less than an hour the President, Secretaries, generals, regulars, militia, volunteers and sailors were on the way to Bladensburg.¶ Monroe with some Maryland militia

* *American State Papers, Military Affairs*, vol. i., pp. 528, 536, 560; Ingraham, p. 24.

† *American State Papers, Military Affairs*, vol. i., p. 572.

‡ *Ibid.*, vol. i., pp. 561, 568, 572.

‖ Lossing, *War of 1812*, p. 923.

§ *American State Papers, Military Affairs*, vol. i., pp. 556, 563.

* *Ibid.*, pp. 528, 556, 564. See also Williams, *Invasion and Capture of Washington*, p. 176 *et seq.*

† Lossing, *War of 1812*, p. 925.

‡ James, *Military Occurrences*, vol. ii., p. 283.

‖ *American State Papers, Military Affairs*, vol. i., p. 548.

§ *Ibid*, vol. i., pp. 564, 574. See also Williams, *Invasion and Capture of Washington*, chap. x.

¶ Lossing, *War of 1812*, p. 926.

was the first to reach the field and upon his arrival there found the ground already ocupied by General Stansbury and the Baltimore troops. General Winder arrived at noon and rode about the field. At the same time the British light brigade made its appearance about a mile away.*

The eastern branch of the Potomac, which was broad and deep near the navy yard, was narrow and shallow at Bladensburg and was spanned by a bridge over which the road to Washington passed. In a ravine near the eastern bank of this stream was the little village of Bladensburg. The western bank was hilly and on these hills Stansbury had drawn up his Maryland troops. On the western side of the stream the Washington road was crossed at an acute angle by the road to Georgetown, and in the triangular field formed by these two roads Stansbury posted his troops. On a little eminence about 1,000 feet from the bridge was a barbette earthwork behind which were the artillery companies from Baltimore, 150 strong with 6 6-pounders under Myers and Magruder. On the right of the battery near the junction of the roads were Pinkney's riflemen. In the rear of the left of the battery, near a barn and the Georgetown road, were two militia companies under Captains Ducher and Gorsuch. About 50 yards in the rear of Pinkney's riflemen were Joseph Sterett's 5th Baltimore volunteers, and the regiments of Ragan and Schutz were drawn up *en eschelon* commanding the Georgetown road, their right on the left of the companies of Ducher and Gorsuch.* Upon his arrival, however, Monroe made a change without consulting Stansbury, moving the commands of Sterett, Ragan and Schutz about a quarter mile to the rear of the artillery and riflemen, with their right resting on the Washington road.† In the meantime Winder arrived on the field and posted a third line in the crown of the hill, about a mile from the Bladensburg bridge. Colonel E. D. Beall's Maryland militia was stationed on the extreme right; Barney with his sailors and 2 18-pounders formed the centre; and Colonel Magruder's District militia, the regulars and militia, and the battery under George Peter formed the left. Magruder was immediately on the left of Barney's battery, his right resting on the Washington road. To the left of Magruder in order were Major Waring with a battalion of Maryland militia, Colonel Brent with the 2d Regiment of General Samuel Smith's brigade, the regulars under Colonel William Scott, and the companies of Captain John Davidson and Stull.‡

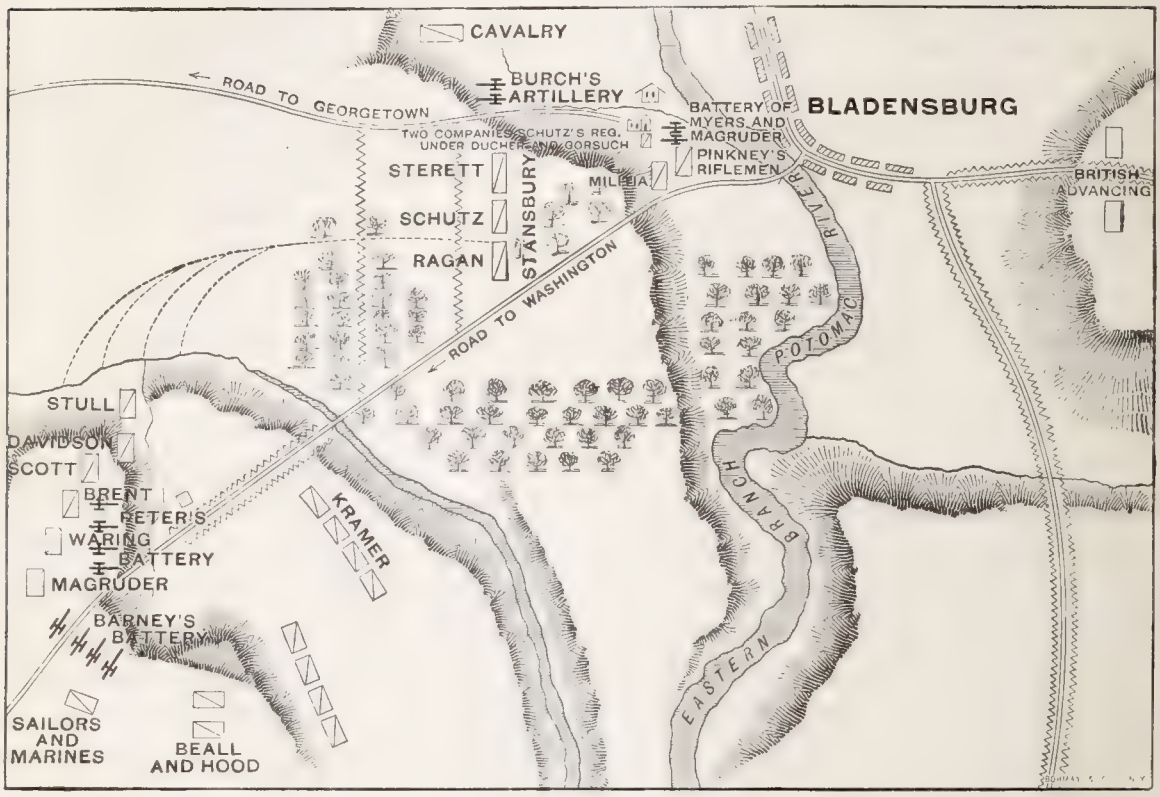
* *American State Papers, Military Affairs*, vol. i., p. 557.

* *Ibid*, vol. i., p. 529.

† *Ibid*, pp. 536–537.

‡ *Ibid*, p. 561; Ingraham, *Events Preceding the Capture of Washington*, pp. 30–31; Lossing, *War of 1812*, pp. 926–928; Brackenridge, *History of the Late War*, p. 258.

Long before all of Winder's troops had reached the western side of the stream the British troops had occupied the village on the other side. Unaware of the proximity of the British, the President with two or three of his Cabinet officers, considerably in advance of the troops, nearly rode across the bridge into the British line, but were warned by a volunteer scout.* Shortly after noon the British light brigade, about 1,500 strong, under Colonel William Thornton, without waiting for the rear division, rushed over the bridge and made straight for the American centre. For a moment a terrific discharge of artillery and musketry checked them; but they soon rallied and, accompanied in their attack by a volley of rockets, wheeled off to the right and left of the road, and quickly cleared the thicket of the American skirmishers.* Almost instantly a portion of the American line gave way and fled in the utmost confusion. The second line, however, not only stood firm but, under a heavy fire, drove back the British skirmishers to the cover of the banks, with its trees and shrubs.† But now the second brigade of the British



* Hunt, *Life of Madison*, p. 332; *American State Papers, Military Affairs*, vol. i., p. 596.

* *American State Papers, Military Affairs*, vol. i., p. 529; Gleig, *Campaigns*, p. 122; Lossing, *War of 1812*, pp. 929–930.

† Lossing, *War of 1812*, p. 930.

had crossed and, having formed, advanced to the charge. The left flank of the American line was then turned, the whole line next wavered and broke and, with the exception of several strong corps, rushed from the field. First went Pinkney's Maryland riflemen, next went the artillerymen, who did not discharge their pieces more than once each, and then went the commands of Sterett, Ragan and Schutz, sweeping Madison, Stansbury and the Cabinet along in front.*

Meanwhile Barney and his sailors had been left at the navy yard with orders to destroy the bridge in case of defeat, though this could have been done as easily by five men. But Barney remonstrated to Secretary Jones and was finally allowed to march toward Bladensburg.† On beholding the rout of the American army, Barney halted on the hillside about a mile from Bladensburg, placed his guns in position to sweep the main road and calmly waited for the enemy to attack. He reserved his fire until the enemy approached, when he ordered his 18-pounder to be fired, which completely cleared the road.* A second and third attempt were made by the enemy to come forward, but both attempts were repulsed.† They then crossed into an open field and attempted to flank Barney's right, but were met there by three 12-pounders and utterly cut up.‡ Such a battle, however, could not continue long, since there were but 400 men against 4,000. The British finally entered a ravine, filed off by the right and left and attacked Barney on both flanks. The troops under Beall stationed on Barney's right were expected to render Barney efficient aid, but they were quickly dispersed by the British, who soon began the attack on the sailors from the rear.‖ Even then they stood their ground, serving the guns with such quickness and precision that for half an hour every effort of the British to take the position was frustrated. At last, however, Barney fell seriously wounded, and as many of the gunners had been killed or severely wounded, and as the ammunition wagons had gone off in the disorder,§ the sailors retreated, leaving their guns and their leader with the British.¶

* *American State Papers, Military Affairs*, vol. i., pp. 529, 548, 558, 565, 570–571, 573, 584, 586; Williams, *Invasion and Capture of Washington*, chap. xii.; Adams, *United States*, vol. viii., pp. 137–142; McMaster, vol. iv., pp. 139–140; Brackenridge, *History of the Late War*, p. 259; Ingraham, *Events Preceding the Capture of Washington*, p. 32.

† *American State Papers, Military Affairs*, vol. i., p. 576. The naval defence and the service of the sailors at Bladensburg is noted in Roosevelt, *Naval War of 1812*, p. 317; Mrs. Barney, *Biographical Memoir of Commodore Barney*, chap. xvii.

* *American State Papers, Military Affairs*, vol. i., p. 529.

† *Ibid*, pp. 529, 579.

‡ *Ibid*, p. 530; Lossing, *War of 1812*, p. 930.

‖ Williams, *Invasion and Capture of Washington*, p. 233 *et seq.*; Lossing, *War of 1812*, p. 931.

§ *American State Papers, Military Affairs*, vol. i., pp. 530, 580.

¶ Cooper, *Naval History*, vol. ii., pp. 136–137; Ingraham, *Events Preceding the Capture of Washington*, p. 33; Adams, *United States*, vol. viii., pp. 142–144; McMaster, vol. iv., p. 140.

By 4 o'clock not a vestige of the American army was in sight, and the British, overcome with fatigue, rested on the field for two hours. Though they had completely routed the American army, the victory had not been bought cheaply. General Ross officially reported his loss at 64 killed and 185 wounded,* but other reports on the British side state that more than 500 were killed and wounded. The Americans reported a loss of 26 killed and 51 wounded.† Moreover, they had left many of their guns in the hands of the victor and were completely demoralized,‡ so much so, in fact, that they offered no further resistance to the British.||

At 6 o'clock, after a rest of two hours, the British resumed their march and about dark, encamped a short distance east of the Capitol. Up to this time the raid had been conducted as an eminently proper military movement, but suddenly the British began to execute literally the orders given by Cochrane. The two wings of the Capitol were the only parts finished, but these were set afire and in the conflagration the Library of Congress and many valuable public documents were destroyed.* Ross and Cockburn with about 200 men marched quietly along Pennsylvania Avenue to the President's house and set it afire also. The torch was next applied to the Treasury building. Before midnight the flames of the three great conflagrations made the whole country light, and from the distant hills of Maryland and Virginia the fleeing President and the members of the Cabinet caught glimpses of the ruin.† Numbers of cannon were destroyed, others were spiked and, together with large quantities of shot, shell, grenades and cartridges, were cast into the river.‡ The next morning, August 25, fresh detachments of troops continued the work of destruction. By noon the Departments of State and of War, the printing office of the *National Intelli-*

* James, *Military Occurrences*, vol. ii., p. 290.

† Winder's official report (*American State Papers, Military Affairs*, vol. i., p. 530) estimates the loss at 30 killed and 50 wounded.

‡ For plans of the battle, see Wilkinson's *Memoirs*, Atlas nos. 16–17; these maps being the basis of those in James, *Military Occurrences;* Cullum, *Campaigns of the War of 1812 to 1815*, chap. vii.; Lossing, *War of 1812*, p. 929; *Narrative of the Battle of Bladensburg in a letter to Henry Banning, by an Officer of Gen. Smith's Staff. Cf. Magazine of American History* (December, 1885), p. 612.

|| At the first alarm the Secretary of the Navy issued orders to set afire the new sloop of war *Argus*, the new schooner *Lynx*, five barges, two gunboats, and the large frigate *Columbia*, just ready to be launched. This, together with large quantities of stores and machinery and the buildings containing them, were destroyed. See the statements in reference to the burning of the navy yard in *American State Papers, Naval Affairs*, vol. i., p. 360, also *Military Affairs*, vol. i., pp. 532, 576–579. The *Lynx*, however. was saved. See Williams, *Invasion and Capture of Washington*, p. 258.

* Regarding the burning of the Capitol, see the comments from British newspapers, in Williams, *Invasion and Capture of Washington*, p. 254 *et seq.*

† See letter of Rush, July 10, 1855, in Williams, *Invasion and Capture of Washington*, p. 274 *et seq.*

‡ James, *Military Occurrences*, vol. ii., p. 293 *et seq.*, and app. lxii.–lxvii.; McMaster, vol. iv., p. 142–143; Adams, *United States*, vol. viii., pp. 144–145. See also Armstrong, *Notices of the War of 1812*, vol. ii., pp. 124–154.

*gencer,** the great bridge over the Potomac, two ropewalks near the navy yard and a tavern were in ruins. At the navy yard, such ships and stores as had been saved by the rain of the night before were again set afire.

The departure of the British was hastened by a terrific tornado which passed over the city shortly after noon. Leaving the Post Office, Patent Building and everything else marked out for destruction, the invaders, as soon as the storm had passed over, began preparations to retire. The wounded could not be removed and they were left in care of Commodore Barney and his fellow prisoners, who were paroled for this purpose. Leaving the camp fires burning, the British column, in silence, withdrew from the scene of devastation. Passing Bladensburg, where the dead were still unburied,† Ross marched all night until 7 o'clock Friday morning, when, exhausted with fatigue, the troops were allowed to rest. At noon they were again in motion and at nightfall had arrived at Upper Marlborough, where they reëmbarked to undertake similar schemes at other places.‡

As the British hurried away from Washington, a squadron of British war vessels under command of Captain John A. Gordon, of the *Sea Horse,* ascended the Potomac and approached Fort Washington. The presence of a British force, however small, had become so terrifying that the commander of the fort blew it up and fled to Alexandria, for which he was court martialled.* On the 29th squadron reached Alexandria, and the town authorities, being now in the power of the enemy, determined to ask for terms. The insatiable avarice of Gordon and his men imposed the hardest conditions. All the merchandise then in the town, as well

* Williams, *Invasion and Capture of Washington*, p. 263 *et seq.*

† Gleig, *Campaigns*, p. 146; Williams, *Invasion and Capture of Washington*, pp. 273, 275.

‡ McMaster, vol. iv., pp. 143–144; Adams, *United States*, vol. viii., pp. 147–148. On the battle of Bladensburg and the capture of Washington, the most important document is the Report of the investigating committee made by R. M. Johnson, chairman, November 29, 1814. George W. Campbell also made a report, January 2, 1815 (*Cf. American State Papers, Military Affairs*, vol. i., pp. 524–599). There are some contemporary views in A. J. Dallas, *Exposition of the Character of the War;* Carey, *Olive Branch*, chap. viii.; *Memoirs and Letters of Dolly Madison*, chap. viii.; *An Enquiry respecting the Capture of Washington, by Spectator* (thought to be Armstrong). See also Cullum, *Campaigns of the War of 1812 to 1815*, chap. viii.; Cullum, *The Attack on Washington City in 1814*, in *Papers of the American Historical Association*, vol. ii., pp. 54–68 (1887); *Memoirs of Admiral Sir George Cockburn; Facts relating to the Capture of Washington, by an officer serving as Quartermaster-general* (General Sir De Lacy Evans); Laddy Bourchier, *Memoirs of the Life of Sir Edward Codrington* (London, 1873); *Capture of Washington by the English in 1814*, in *Genealogical Magazine*, vol. i., pp. 229–236 (London, 1897), and the references in Wilkinson's *Memoirs*, vol. i., chap. xvi.; *Autobiography of Charles Biddle*, p. 350; Dawson, *Battles of the United States*, vol. ii., p. 371; *Magazine of American History* (January, 1886), p. 85; *Harper's Magazine*, vol. xxviii., p. 433. See also Horatio King's paper in *Magazine of American History* (November, 1885) p. 438; and Gleig's reply in *ibid* (May, 1886), p. 508.

* Lossing, *War of 1812*, pp. 938–939; *American State Papers, Military Affairs*, vol. i., pp. 533, 588–589.

as all that had been sent away for safety since the 19th, was to be put on board the shipping at the wharf; the citizens must give up all naval and military stores and all their ships and ship furniture, supply the fleet with food at market price and raise all the vessels they had sunk to prevent capture.* Meanwhile preparations had been made to throw difficulties in the way of Captain Gordon's descent. Cannon planted on the bluffs and hills were fired at the British vessels as they passed and barges were sent against the fleet, but Gordon managed to escape and rejoined the fleet on September 9.†

During all this time the President and Secretaries had been traveling around the country hunting for each other and seeking safety. Finally, Madison returned to Washington, and, summoning his Secretaries, began the work of restoring government.‡ Houses were procured as quarters for the various departments and the work of reorganization went forward steadily. Secretary of War Armstrong had not yet arrived and Monroe was appointed Secretary *ad interim.* Monroe immediately prepared to defend Georgetown, ordering some guns which were being placed on the Virginia shore to be removed to another position, but the colonel in charge of the work refused to obey and left the field.* Thereupon the militia met and resolved that they would no longer serve under Armstrong. These resolutions were sent to Madison and, as Armstrong came into town about the same time, the President visited him and describing to him the violent prejudices which existed in the city, Armstrong offered to resign. Madison deprecated resignation and recommended temporary retirement. Accordingly, Armstrong left Washington the next morning, but upon reaching Baltimore sent his resignation to the President. At the same time, he announced his action in a letter to the public in which some remarks were made on the weakness of Madison's conduct.† Monroe then became Secretary of War and Madison invited Governor Tompkins, of New York, to become Secretary of State. Tompkins declined the offer, however, and Monroe continued to hold the

* Brackenridge, *History of the Late War,* p. 262; Williams, *Invasion and Capture of Washington,* chap. xv.; Lossing, *War of 1812,* pp. 939–940; *American State Papers, Military Affairs,* vol. i., pp. 533, 591.

† McMaster, vol. iv., p. 147; Adams, *United States,* vol. viii., pp. 157–158; Cooper, *Naval History,* vol. ii., p. 138.

‡ For the movements of the President and the various Cabinet officers, see Adams, *United States,* vol. viii., pp. 149–156.

* See the letter regarding this in Gilman, *James Monroe,* pp. 119–122.

† Ingraham, *Events Preceding the Capture of Washington,* App. pp. 58–60. See also T. L. McKenney, *Narrative of the Causes which led to General Armstrong's Resignation;* Kosciusko Armstrong, *Review of the Narrative, etc.* (New York, 1846); and his *Examination of McKenney's Reply* (New York, 1847); Madison's *Works* (Congress ed.), vol. iii., p. 424; *American State Papers, Military Affairs,* vol. i., p. 538; Hamilton's ed. of Monroe's *Writings,* vol. v., p. 293; Williams, *Invasion and Capture of Washington,* chaps. vi.–vii.

State and War portfolios for almost a year.*

The practice of the highest officers in directing the actual operation of setting afire the public and private property cost the British navy a life more valuable than all the property it could destroy. To divert attention from the general movement of troops and ships on the Potomac, the *Menelaus*, commanded by Sir Peter Parker, had been sent up Chesapeake Bay. After he had taken position off the Sassafras River, Parker learned that 200 militia had encamped at Moorefields, about a half mile from the eastern shore of Maryland, with the intention of crossing the bay to protect Baltimore. Toward midnight of August 30 Parker landed with 124 men and went in search of the militia, hoping to surprise them.† In this he was disappointed, for, having learned of the approach of the barges, the militia were prepared. On approaching within 70 yards, the British were received with a heavy fire. Parker endeavored to press forward on the centre of the line, but, foiled in this, threw himself on the flank. While cheering on his men in the moonlight, Parker was struck by a buckshot which severed a femoral artery. The British thereupon retreated and carried Parker back to the ship, but he died before reaching it. The British escaped with a loss of 13 killed and 27 wounded.*

The British now determined to attack Baltimore. After Gordon had rejoined the fleet, the vessels, under a great press of canvas, ran for the mouth of the Patapsco. Meanwhile the inhabitants of Baltimore, under the leadership of the mayor, had set to work vigorously to strengthen the defences of the city. After the capture of Washington, the citizens toiled still more earnestly at their task and finally succeeded in throwing up a formidable line of redoubts which, though not wholly finished, gave cover to the militia.† The militia came in from the interior of the State and from Pennsylvania and Virginia, and Commodore Rodgers of the navy with his marines took possession of the heavy batteries.‡ The approach to the city by water was defended by Fort McHenry and garrisoned by about 1,000 regular troops, sailors, and volunteer artillerists under the command of Lieutenant-Colonel George Armistead.|| To the right of Fort McHenry on the Patapsco, two

* Adams, *United States*, vol. viii., pp. 158–163; McMaster, vol. iv., pp. 146–147. See also Hunt, *Life of Madison*, p. 334; Adams, *Lives of Madison and Monroe*, p. 183.

† Brackenridge (*History of the Late War*, p. 263) says 250 men.

* Adams, *United States*, vol. viii., pp. 164–165. See also Sir George Dallas, *Biographical Memoir of Sir Peter Parker, Killed while storming the American Camp at Bellair, August 31, 1814* (London, 1816); Lossing, *War of 1812*, pp. 945–946.

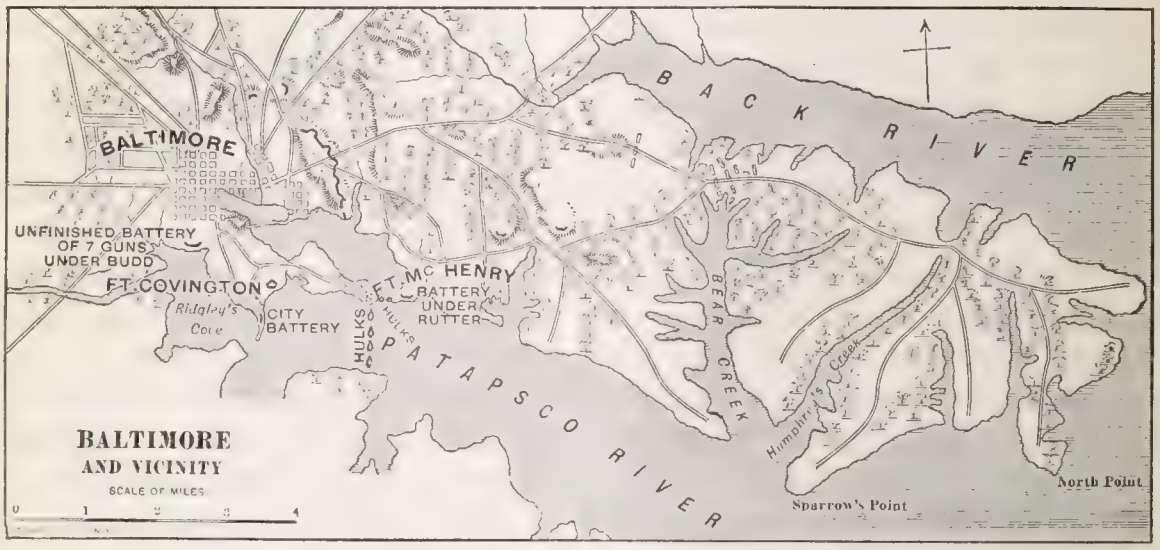
† *The South in the Building of the Nation*, vol. i., p. 193; *The Citizen Soldiers at North Point and Fort McHenry, September 12–13, 1814* (1814).

‡ Brackenridge, *History of the Late War*, pp. 265–266.

|| *American State Papers, Military Affairs*, vol. i., p. 591.

batteries were erected to prevent the enemy from landing during the night in the rear of the town. These were named Fort Covington (manned by seamen under Lieutenant Newcomb) and the City (or Babcock) Battery (manned by Barney's sailors under John A. Webster).* The number of troops in the city, according to official reports, was 13,888 officers and men, whereas the British numbered not more than 5,000. The general commanding at Baltimore was Senator Samuel Smith. A brigade of Virginia volunteers and the regular troops were assigned to General Winder, who had left Washington on the night of August 26 to take command of the defences of Baltimore. Smith refused to relinquish the supreme command and Winder was compelled to content himself with the command of the regular troops. The brigade was under the command of Brigadier-General John Stricker.*

On September 11 the fleet under Admiral Cochrane appeared off the mouth of the Patapsco and the next day the troops under General Ross landed and took up their march for the city.† The number of Ross' troops is variously stated from 3,270 rank and file to more than 5,000.‡



The British troops proceeded about five miles without meeting resistance. At the same time several of the lighter vessels were ordered to ascend the river to coöperate with the troops in the capture of Fort McHenry. On receiving intelligence of the landing of the British, General Smith detached a brigade consisting of 3,200

* Lossing, *War of 1812*, p. 949.

* Adams, *United States*, vol. viii., pp. 166–168.

† Gleig, *Campaigns*, p. 170 *et seq.*

‡ See Gleig, *Campaigns*, pp. 174–175; James, vol. ii., pp. 313–314. Lossing (*War of 1812*, p. 950) says the British force consisted of 5,000 land troops, 2,000 marines, and 2,000 seamen.

THE DEATH OF GENERAL ROSS AT BALTIMORE.

raw troops under General Stricker to check the British advance. The battle of Bladensburg evidently had taught no lesson, for with that body of raw militia, a part of whom had been routed but a fortnight before, Stricker attempted to fight a battle with 5,000 British veterans.* The outposts fell back as the British advanced, and 400 men were sent forward by Stricker as skirmishers. The latter fired as the British advance-guard came up, but they, too, were soon driven back. At this time Ross and Cockburn were foolishly far in advance of their troops directing the operations, and Ross paid for his recklessness with his life.† Colonel Arthur Broke immediately took command, and a spirited action ensued. The artillery on both sides, the rifles of the Americans, and the British rockets did great execution, but as one regiment became panic-stricken, and as the British force overlapped and outflanked the Americans, General Stricker, after a gallant resistance, was compelled to retire before the enemy.‡ The American loss was 24 killed, 139 wounded, and 50 prisoners; that of the British, 46 killed and 273 wounded.|| The next morning (September 13) the march was resumed. When Broke gained a full view of the position occupied by the Americans, he realized the futility of attacking such works in broad daylight. Accordingly he made arrangements to storm the works at night, after the fleet had silenced the river fort on the left flank.*

All day long the British fleet had been vainly bombarding the forts and batteries commanding the harbor. About sunrise on the 13th, 16 ships approached within 2½ miles of the fort, and the assault was begun by five bomb vessels from a distance of two miles. Being out of range of the guns of the fort, these vessels maintained an incessant bombardment; but, though the bombs and rockets fell in and about the fort, the garrison maintained its position.† The heavier British ships feared to approach within range owing to the shallowness of the river and a barrier of sunken vessels covered by the guns on shore.‡ Some of the lighter vessels did approach, but the tremendous fire from the forts compelled them to retire within a half-hour.|| During the night, while the enemy on land was retreating, two or three rocket vessels and barges succeeded in getting up the ferry branch, but were soon compelled to retire by the fire from Fort Cov-

* For details as to the formation of the troops, see Lossing, *War of 1812*, pp. 950–951.

† Gleig, *Campaigns*, pp. 177–178; Adams, *United States*, vol. viii., pp. 168–170; McMaster, vol. iv., pp. 147–148.

‡ Lossing, *War of 1812*, pp. 951–954; Gleig, *Campaigns*, pp. 179–185.

|| Adams, vol. viii., pp. 170–171; James, *Military Occurrences*, vol. ii., p. 308 *et seq.*; Brackenridge, *History of the Late War*, pp. 267–270. See also *The Citizen Soldiers at North Point and Fort McHenry, September 12–13, 1814.*

* Gleig, *Campaigns*, p. 192. See also *The Citizen Soldiers at North Point and Fort McHenry, September 12–13, 1814.*

† Lossing, *War of 1812*, p. 955.

‡ Cooper, *Naval History*, vol. ii., p. 139.

|| Lossing, *War of 1812*, pp. 955–956.

ington and the City Battery. Two of the barges were destroyed by the fire.* Though 1,500 shells had been thrown, the fort had sustained comparatively little injury† and but 4 men had been killed and 24 wounded. Admiral Cochrane and Colonel Broke then decided that the capture of the town was not worth further effort, especially in view of the certain loss to be sustained in storming the heights.‡ Accordingly the army retreated. The fleet returned to the lower Chesapeake and on September 19 Admiral Cochrane sailed for Halifax to prepare for a new expedition. The troops remained on their transports in the bay until October 14, when they sailed for Jamaica.‖

Though the blockade was strict, American naval officers made several attempts to run it. As we have seen, the squadron under Commodore Decatur in the harbor of New London had found it impossible to escape. Accordingly the *United States* and the *Macedonian* were moved up the Thames above New London and in April of 1814, were dismantled.* Decatur and his officers and crew were soon afterward transferred to the *President,* then at New York, and the commodore got busy preparing for the defence of that city. At New York a squadron had been formed consisting of the *President* under Decatur, the *Peacock* (new) under Lewis Warrington, and the *Hornet* under James Biddle. These vessels, together with a store-ship, were ready for sea with orders to cruise in West Indian waters.† As New York was closely blockaded, Decatur determined to leave the harbor with the *President* alone. Accordingly, having appointed a place of rendezvous for the other vessels, Decatur, on January 14, 1815, in a severe snowstorm and a strong gale blowing off shore, weighed anchor and stood down the bay. The wind having driven the blockading fleet out of sight, Decatur determined to make for the open. Through a mistake of the pilot, the *President* grounded while crossing the bar, where she remained for an hour or more beating heavily until the tide and the strong wind forced her across. As it was impossible to return, the *President* was obliged to proceed de-

* James, *Military Occurrences*, vol. ii., p. 322 *et seq.;* Lossing, *War of 1812*, p. 956.

† It was during this bombardment that Francis Scott Key, who had gone aboard the admiral's ship to obtain the release of some friends, wrote the *Star Spangled Banner.* He was detained aboard the ship and was an involuntary spectator of the assault on the fort. He had watched the flag on the fort throughout the day until night hid it from view. During the long hours that followed he endeavored to see by the glare of the bursting shells and rockets if the flag still flew. When at dawn he saw it still floating in the breeze he composed the song under the impulse of poetic ferver. (Ingersoll, *History of the Second War*, vol. ii., p. 244.)

‡ Gleig, *Campaigns*, pp. 196–198.

‖ Adams, *United States*, vol. vii., pp. 171–173; McMaster, vol. iv., p. 148; Brackenridge, *History of the Late War*, pp. 270–273; Scharf, *History of Maryland*, vol. iii., pp. 99–137.

* Waldo, *Life of Decatur*, p. 247.

† Cooper, *Naval History*, vol. ii., p. 235.

spite her injuries.* Keeping close to the Long Island shore, Decatur ran along some 50 miles when, thinking that he had evaded the blockading squadron, he changed his course to the southeast,† and at early dawn ran into the blockading squadron, under John Hayes consisting of the *Majestic*, 56, the *Endymion*, 50, the *Pomone* and *Tenedos*, 38's.‡ The British ships promptly made chase, but the *Endymion*, proving the fastest sailer of the four, soon left the others in the rear and by 2.30 o'clock in the afternoon had gained so much on the *President* as to begin an exchange of shot from her bow chasers with the stern guns of the *President*.‖ At 5 o'clock the wind fell off and the *Endymion*, slowly creeping up on the *President's* starboard quarter, let go her broadside guns and commenced close action within half point-blank shot.§ After enduring the fire of the *Endymion* for a half hour without replying, Decatur suffered so severely in his rigging that he resolved to lay himself alongside the *Endymion*, capture her by boarding, and then, scuttling his own ship, to escape on the swifter sailing British frigate.* But the British captain avoided the risk, and, yawing his ship, preserved the advantage he had gained by a fire at half gun-shot range.† The battle lasted until 8 o'clock, when the *Endymion*, reduced almost to a wreck, fell astern and Decatur hoped that he might effect his escape in the night.‡ Resuming the course he had followed in order to avoid the squadron, he made every effort to escape, but the clouds which had previously obscured the moon passed over and his ship was revealed to the enemy.‖ At 11 o'clock the *Pomone* and *Tenedos* came up and the former opened fire on the larboard bow within musket-shot, while the latter took a raking position on the quarter of the *President*.§ "Thus situated," says Decatur, "with about one-fifth of my crew killed and wounded, my ship crippled, and more than four-fold force opposed to me without a chance of escape left, I deemed it my duty to surrender. It is with emotions of pride I bear testimony to the gallantry and steadiness of every officer and man I had the honor to command on this occa-

* Cooper, *Naval History*, vol. ii., pp. 235–236; Maclay, *History of the Navy*, vol. ii., pp. 64–65; Brady, *Life of Decatur*, pp. 89–91.

† Roosevelt, *Naval War of 1812*, p. 402.

‡ Brady, *Life of Decatur*, p. 91; Lossing, *War of 1812*, pp. 987–988.

‖ Cooper, vol. ii., p. 236; Roosevelt, p. 402.

§ According to British accounts, the *Endymion* carried 26 long 24's, 22 32-pound carronades, and 2 long brass 18-pounders; the *President* 30 long 24's, and 20 32's. See Adams, *United States*, vol. ix., pp. 64–65. According to Maclay (*History of the Navy*, vol. ii., pp. 72–73), *the President* carried 30 long 24's and 22 short 42's, throwing 765 pounds to the broadside; the *Endymion* 30 long 24's and 20 short 32's, throwing 680 pounds.

* Brady, *Life of Decatur*, p. 95.

† Roosevelt, *Naval War of 1812*, p. 403; Maclay, *History of the Navy*, vol. ii., pp. 66–68; Lossing, *War of 1812*, p. 988.

‡ Cooper, *Naval History*, vol. ii., pp. 237; Brady, *Life of Decatur*, pp. 96–100.

‖ Maclay, *History of the Navy*, vol. ii., p. 69.

§ Roosevelt, *Naval War of 1812*, p. 404; Cooper, *Naval History*, vol. ii., pp. 237–238.

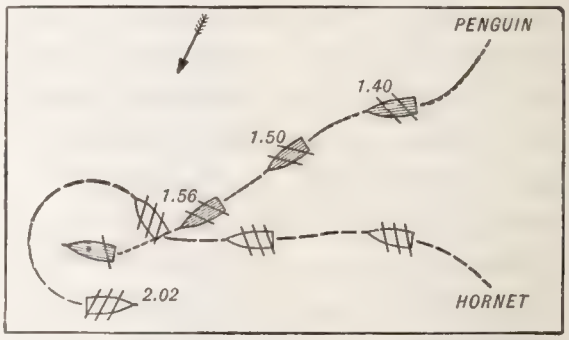
sion; and I feel satisfied that the fact of their having beaten a force equal to themselves, in the presence and almost under the guns of so vastly superior a force, when, too, it was almost self-evident that whatever their exertions might be, they must ultimately be captured, will be taken as evidence of what they would have performed had the force opposed to them been in any degree equal.''

The loss on board the *President* was 25 killed and 60 wounded;* on the *Endymion* 11 killed and 14 wounded. The masts of both ships were considerably damaged, but of the two the *President* was the most severely damaged. It is impossible to believe that if Decatur, in accordance with the popular conception of his character, had been less eager to escape and more ready to fight and had displayed the spirit and energy which distinguished him in the battle with the *Macedonian,* he would have caused the British greater trouble in capturing him and at least would not have surrendered to the *Pomone* without firing a shot.†

* Cooper says 24 and 56 (*Naval History,* vol. ii., p. 238), as does Maclay (*History of the Navy,* vol. ii., p. 70), while Roosevelt (*Naval War of 1812,* p. 405) says 24 and 55.

† Adams, *United States,* vol. ix., pp. 65–70; MacKenzie, *Life of Stephen Decatur,* pp. 207–233; McMaster, vol. iv., pp. 252–254; Dawson, *Battles of the United States,* vol. ii., p. 420; James, *Naval History,* vol. vi., p. 239; Barnes, *Naval Actions of the War of 1812,* pp. 219–227; Waldo, *Life of Decatur,* chap. xi.; Bowen, *Naval Monument,* pp. 158–174; Spears, *History of Our Navy,* vol. iii., pp. 215–228; Mahan, *War of 1812,* vol. ii., p. 397 *et seq.;* Frost, *Book of the Navy,* chap. xviii.; James, *Naval Actions,* pp. 82–94.

The *Peacock* and the *Hornet* did not linger long at New York, but on January 22 crossed the bar in a gale of wind and made for the sea without being aware that the British fleet had made directly for Tristan d'Acunha, the place of rendezvous.* The *Hornet* arrived there on the morning of March 23, 1815, but before she had come to anchor Captain James Biddle sighted the British sloop of war *Penguin.* He immediately made chase and the two were soon alongside, for Captain James Dickinson of the *Penguin* was never loathe to fight. The British vessel was nearly the same size as the *Hornet* and threw the same weight of metal, but was a little inferior in the number of her crew.



ACTION BETWEEN THE *PENGUIN* AND *HORNET*.
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The *Hornet* carried 18 short 32-pound carronades and 2 long 12-pounders, throwing 279 pounds of metal; the *Penguin* carried 16 short 32-pound carronades, 2 long guns variously reported as 12-and 16-pounders, and a 12-pound carronade, throwing 274 pounds of metal.† Dickinson evi-

* Roosevelt, *Naval War of 1812,* pp. 427–428.

† Maclay, *History of the Navy,* vol. ii., pp. 74–75.

dently did not fear a combat with the *Hornet* and brushed up alongside, firing a gun in defiance. So superior was the gunnery of the Americans, however, that, after a furious conflict of 22 minutes at close quarters, the *Penguin* was a complete wreck — her foremast and bowsprit gone, her captain killed, and 38 of her crew killed or wounded. So much injured was she that soon afterward she was scuttled by her captors and sunk.* The *Hornet*, though not struck in the hull, was completely cut up in rigging and spars, but suffered a loss of only 2 killed and 9 wounded.†

After the capture of the *Penguin*, the *Hornet* waited for the *Peacock* and the two continued the cruise until April 27, when they chased a strange ship which proved to be the British 74-gun ship of the line *Cornwallis*. Biddle thereupon made up to windward, with the *Cornwallis* in hot pursuit. The *Peacock*, being a fast sailer, easily escaped, but the *Hornet* was not so fortunate and at daylight of the 29th the *Cornwallis* was within gunshot of her lee quarter.* Realizing that his only hope of escape lay in lightening his ship, Biddle threw over much of his shot, the anchor and cables, the launch, all of his guns save a long one, all the spars, and every heavy article on the ship.† Then the *Hornet* slowly began to draw away, and, as the wind fortunately changed, succeeded in escaping to San Salvador, where on June 9, 1815, Biddle heard the news of peace. On July 30 he reached New York and was warmly praised for his gallantry and admirable seamanship.‡

Meanwhile Captain Warrington in the *Peacock* continued his course to the Indian Ocean and captured a number of prizes, but on June 30, while in the Straits of Sunda, he encountered the *Nautilus*, 14, a cruiser of the British East India Company. The captain of the latter hailed the *Peacock* and announced peace, but as Warrington had no knowledge of this and as he thought it might be a ruse, he

* Biddle's report in *American State Papers, Naval Affairs*, vol. i., p. 377.

† Adams, *United States*, vol. ix., pp. 71–72; Barnes, *Naval Actions of the War of 1812*, pp. 245–252; McMaster, vol. iv., p. 277; *Autobiography of Charles Biddle*, app., p. 397; Dawson, *Battles of the United States*, vol. ii., p. 424; James, *Naval History*, vol. vi., p. 261; Hill, *Twenty-Six Historic Ships*, pp. 68–70, and *Romance of the American Navy*, pp. 151–154; Clark, *Short History of the Navy*, pp. 158–159; Bowen, *Naval Monument*, pp. 186–192; Spears, *History of Our Navy*, vol. iii., pp. 270–282; Frost, *Book of the Navy*, chap. xix.; James, *Naval Actions*, pp. 57–58. Cooper (*Naval History*, vol. ii., p. 239) gives the British loss as 14 killed and 28 wounded, as does Roosevelt (*Naval War of 1812*, p. 439), and the American loss as one killed and 10 wounded. Maclay gives the British loss as 10 killed and 28 wounded. A facsimile of the medal awarded Biddle is in Lossing, *War of 1812*, p. 991.

* Cooper, *Naval History*, vol. ii., p. 242.

† Lossing, *War of 1812*, p. 992.

‡ Cooper, *Naval History*, vol. ii., pp. 242–243; Maclay, *History of the Navy*, vol. ii., pp. 76–80; Adams, *United States*, vol. ix., pp. 72–73; McMaster, vol. iv., pp. 277–278; Barnes, *Naval Actions of the War of 1812*, pp. 255–263; Roosevelt, *Naval War of 1812*, pp. 432–435; Hill, *Twenty-Six Historic Ships*, pp. 71–73; Bowen, *Naval Monument*, pp. 192–200; Spears, *History of Our Navy*, vol. iii., pp. 282–284.

ordered the British commander to strike his colors in token of peace, if it had been declared, adding that if he did not do it, he should fire into him. The British commander refused to strike his colors, whereupon Warrington nearly destroyed the ship by a broadside, killing 6 and wounding 8 of her crew. The next day the *Nautilus* was given up, as Warrington was informed that the treaty of peace had been ratified and that the period set for the termination of hostilities had passed.*

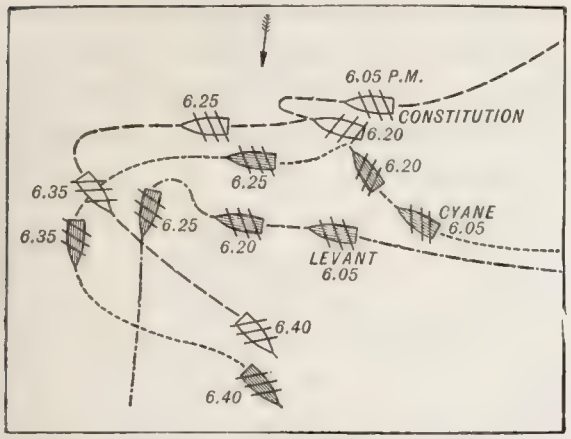
The only other Government ship at sea after peace was signed was the *Constitution,* which slipped out of Boston on December 17, 1814, under command of Captain Charles Stewart. He began a cruise between Gibraltar and Madeira and, after capturing some prizes in the vicinity of Lisbon, discovered two sail on February 20 about 60 miles from Madeira.† They proved to be the ship-rigged sloops of war *Cyane* and *Levant.* The *Cyane* was 118 feet long and 32 feet broad, carried 33 guns and a complement of 185 men. The *Levant* was considerably smaller than the *Cyane,* mounting only 21 guns and having a crew of 135. Both together were much inferior to the *Constitution,* which, by remaining at long range, could sink them without receiving a shot in return. The *Constitution* carried 32 long 24-pounders, while both the British ships had only 4 long 9-pounders. The *Constitution* carried 450 men, over 100 more than the two British ships together.* It was expected that the British ships would attempt to escape, but Captain George Douglass of the *Levant* resolved, instead, to engage the *Constitution* in the hope of preventing the capture of two valuable convoys which had set sail from Gibraltar at about the same time as the *Levant* and *Cyane.* Though Douglass knew the relative strength of the ships, he attempted to disable the *Constitution* and made a most spirited and stubborn resistance. At 6 o'clock the *Constitution* opened with her broadsides on the *Cyane,* the sternmost, the *Levant* being a half cable-length ahead. Both ships returned her fire with great spirit for about 15 minutes, when the ships were enveloped in smoke. The *Constitution* then ceased firing until the smoke could clear away, when she found the *Levant* dead to leeward on the port beam and the *Cyane* luffing up to bring

* Cooper, *Naval History,* vol. ii., p. 243; Roosevelt, *Naval War of 1812,* pp. 435–437; Maclay, *History of the Navy,* vol. ii., pp. 80–81; Adams, *United States,* vol. ix., p. 73; McMaster, vol. iv., p. 278; Spears, *History of Our Navy,* vol. iii., pp. 284–286.

† Cooper, *Naval History,* vol. ii., p. 229.

* Maclay (*History of the Navy,* vol. ii., pp. 53–54) gives these statistics as follows: *Constitution,* 31 long 24's and 20 short 32's, throwing 644 pounds to the broadside; *Cyane,* 22 32's on the main-deck, 8 18's on the quarter-deck, 2 18's and 2 long 9's on the forecastle, throwing altogether 451 pounds; *Levant,* 18 32's, 2 long 9's, and 1 12, throwing 303 pounds; thus giving the British a total of 754 pounds. Roosevelt (*Naval War of 1812,* p. 420) gives the *Constitution* 704 pounds and the two British ships 763 pounds to the broadside.

her carronades to bear.* But she was already cut to pieces and only made matters worse by closing. The *Constitution* then poured another broadside into the *Levant* and dropped astern abreast of the *Cyane,* when the



ACTION BETWEEN THE *CONSTITUTION, CYANE* AND *LEVANT.*

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action was continued with spirit and considerable effect until 6.35.† The enemy's fire then began to slacken. After receiving two stern raking fires, the *Levant* bore up at 6.45 and began to repair damages. The *Cyane* had now become unmanageable and at 6.50 surrendered.‡ The *Constitution* then went after the *Levant,* which was in sight to leeward. Instead of running away, the *Levant* stood directly for the *Constitution,* and, ranging alongside, fired a broadside into her. As the two ships passed on opposite tacks, the *Constitution* fired a broadside in return, whereupon the *Levant* attempted to escape, but at 10 o'clock, after a long chase, she was finally compelled to surrender.* The *Cyane* lost 12 killed and 26 wounded, whereas the *Constitution* lost 3 killed and 12 wounded. The *Levant* lost 23 killed and 16 wounded.† The next morning Stewart sailed with his two prizes to the Cape Verde Islands and on the evening of March 10 anchored in the harbor of Porto Praya on the island of Jago.

On the morning of the 11th, while lying in port, Stewart descried three British frigates (the *Leander,* 50, the *Newcastle,* 50, and the *Acasta,* 40) off the harbor, and as he had no confidence for British respect for neutral waters, he immediately cut his cables, signalled his prizes to follow, and set sail.‡ As he expected, the three frigates made chase. After a run of a half-hour, Stewart realized that the *Cyane* could not keep up and was fast dropping astern. As she was to leeward, Stewart signalled her at 1.10 to tack ship in the hope that she might escape, if not pursued, or return to

* Roosevelt, *Naval War of 1812,* pp. 418–419; *American State Papers, Naval Affairs,* vol. i., p. 407; Cooper, *Naval History,* vol. ii., p. 230.

† Maclay, *History of the Navy,* vol. ii., pp. 50–51.

‡ Roosevelt, *Naval War of 1812,* p. 419; *American State Papers, Naval Affairs,* vol. i., p. 407; Maclay, p. 52; Lossing, *War of 1812,* p. 984.

* *American State Papers, Naval Affairs,* vol. i., p. 407; Maclay, pp. 52–53.

† Cooper, *Naval History,* vol. ii., pp. 230–232. Maclay says there were 4 killed and 10 wounded aboard the *Constitution;* Roosevelt (p. 420) says the *Levant* lost 7 killed and 16 wounded.

‡ Cooper, *Naval History,* vol. ii., pp. 232–233; Lossing, *War of 1812,* pp. 984–985.

Porto Praya.* Stewart had hoped that one of the British ships would follow the *Cyane,* but, to his amazement, they paid no attention to her, continuing their pursuit of the *Constitution* and *Levant.*† At 3 o'clock the *Levant* was falling behind and was, in turn, ordered to tack and make off. When the *Levant* had done this, the whole British squadron immediately abandoned pursuit of the *Constitution* and followed the *Levant* to Porto Praya, where they seized her under the very guns of the Portuguese batteries.* Meanwhile, sailing westward, Stewart reached the coast of Brazil and, learning that peace had been concluded, started for the United States, anchoring in New York harbor on May 10 without further accident. The *Cyane* reached the United States in safety.†

* *American State Papers, Naval Affairs,* vol. i., p. 406; Roosevelt, *Naval War of 1812,* pp. 424–425.

† Maclay, *History of the Navy,* vol. ii., pp. 56–59; Cooper, vol. ii., p. 233.

CHAPTER XXIII.

1813-1814.

INTERNAL AFFAIRS: THE HARTFORD CONVENTION.

Effects of the blockade — Speculation in commodities — Madison's messages — Enactment of the last Embargo — The repeal of the Embargo — Debate on the army bills — Struggle with the finances — Convening of the special session of Congress — Purchase of Jefferson's library — Campbell's report on the finances — Debate on the bank schemes — Debate on the conscription bill — Expectations of disunion — Pickering's schemes — Action of Massachusetts — Proceedings of the Hartford Convention.

Badly as the United States had fared in the campaign of 1813, their situation would have been comparatively comfortable, had not the whole seaboard began to suffer the consequences of a stringent blockade. From the time Admiral Warren issued his blockade proclamation, nothing but swift privateers or occasional fast-sailing vessels entered and left the ports, with the exception of those of New England, which were open to neutrals. Toward the end of 1813 Warren extended his blockade eastward, closing Long Island Sound to all vessels of any description. The pressure of the blockade was felt im-

* *American State Papers, Naval Affairs,* vol. i., p. 406; Cooper, vol. ii., p. 234; Maclay, pp. 59–63; Roosevelt, pp. 425–427.

† Hollis, *The Frigate Constitution,* pp. 196–215; Mahan, *War of 1812,* vol. ii., p. 404 *et seq.;* Adams, *United States,* vol. ix., pp. 74–79; McMaster, vol. iv., pp. 278–279; Dawson, *Battles of the United States,* vol. ii., p. 422; James, *Naval History,* vol. vi., p. 249; Barnes, *Naval Actions of the War of 1812,* pp. 231–241; Hill, *Twenty-Six Historic Ships,* pp. 170–175, and *Romance of the American Navy,* pp. 114–117; Bowen, *Naval Monument,* pp. 174–186; Spears, *History of Our Navy,* vol. iii., pp. 241–269; Frost, *Book of the Navy,* chap. xx.; James, *Naval Actions,* pp. 51–56. A facsimile of the medal awarded Stewart is in Lossing, *War of 1812,* p. 986.

mediately. In August of 1813 flour had sold at Boston for $11.87 a barrel, at Baltimore for $6, and at Richmond for $4.50; upland cotton sold at Boston for $.20 a pound and at Charleston for $.09; sugar sold at Boston for $18.75 per hundred-weight and at Baltimore for $26.50; and rice sold at Philadelphia for $12 a hundred-weight and in Charleston and Savannah for $3. At the end of the year cotton, which had previously sold for $.21, now sold for $.38 a pound; tea, which could be bought in August for $1.70 per pound, sold in December for $3; and sugar, which sold at New York and Philadelphia at about $21 in August, stood at $40 in December; at Charleston flour rose to $19 a barrel; and at Baltimore coal, which had sold at $.33 a bushel, now brought $.75. At New York the people were deprived of New England fish and were compelled to be content with chub and mackerel obtained in the Sound.* A speculative fever swept the country and all with cash to spare bought merchandise for speculation. This greatly angered most of the people, who were willing to pay high prices if such resulted from the war with England, but resented the use of the Embargo, a measure intended to injure England, to hurt and plunder the people of the United States.

The high prices were due partly to the laying of an embargo by the Thirteenth Congress, which had commenced its second session December 6, 1813. The next day in his annual message the President expressed his regret at the failure of the efforts to negotiate a peace by the mediation of Russia; spoke of the recent successes of the navy, of the victories won by Harrison and Johnson, of Jackson's conduct of the Creek War, etc. The Treasury showed $7,000,000 on hand out of the receipts of the preceding year amounting to more than $37,500,000, of which $24,000,000 had come from loans.* The President said that a considerable sum would be needed during the ensuing year and "from the increased capital of the country, from the fidelity with which public engagements have been kept and the public credit maintained, it may be expected, on good grounds, that the necessary supplies will not be wanting." †

The war certainly had not thus far strengthened the Union. Though the elections in the Middle States had shown that the war had a certain degree of popularity, there was a growing feeling in the Eastern States against it. The evidences of discontent in the Eastern States were striking. A month before the President submitted his annual message, the governor of Vermont, by a proclama-

* Adams, *United States*, vol. vii., pp. 263–264; McMaster, vol. iv., pp. 217–218.

* See also the report of the acting Secretary of the Treasury, submitted January 10, 1814, *American State Papers, Finance*, vol. ii., p. 651.

† Richardson, *Messages and Papers*, vol. i., pp. 534–540; *Annals of Congress*, 13th Congress, 2d session, pp. 538–544; Benton, *Abridgment*, vol. v., pp. 75–78.

tion dated November 10, had recalled the State militia from National service, saying that he could not conscientiously discharge the trust reposed in him by his fellow-citizens and by the State and National constitutions without declaring that the military strength and resources of the State must be reserved exclusively for its own defence and protection, save in cases provided for in the National Constitution. Again, the smuggling across the border from the Eastern States to Canada was notorious, and the Federalist press of Massachusetts, under the stimulus of French reverses and Russian and English successes in Europe, began to discuss the idea of withdrawing the State from all share in the war and making a separate arrangement with England.*

On December 9 Madison sent a special message to Congress recommending:

"That an effectual embargo on exports be immediately enacted.

"That all articles known to be derived, either not at all or in any immaterial degree only, from the production of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place or in whatever vessels the same may be brought into the United States, and that all violations of the non-importation act be subject to adequate penalties.

"That among the proofs of the neutral and national character of foreign cargoes it be required that the masters and supercargoes and three-fourths at least of the crews be citizens or subjects of the country under whose flag the vessels sail.

"That all persons concerned in collusive captures by the enemy or in ransoming vessels or their cargoes from the enemy be subject to adequate penalties." *

That such a course could harm England at all was preposterous, for the ports of Russia, Prussia, Denmark, Sweden, Spain, and South America were open to her commerce, and the shutting of the few American ports still unblockaded could not discommode her for a moment. These unblockaded ports were in New England, and the Republicans could not bear the sight of Boston and Salem enjoying a lucrative trade while Philadelphia and Baltimore were entirely shut off from commercial intercourse. Therefore the President recommended the Embargo. Whatever may have been the motives of the President in recommending it, Congress instantly approved the measure. On December 10 the House went into secret session and, after two days of debate, passed an Embargo Act by a vote of 85 to 57. The Senate, though less hasty, also acquiesced in the President's recommendations and by a vote of 20 to 14 on December 17, 1813, passed the act which was signed the same day by the President.† The act laid an embargo on all ships and vessels cleared or not cleared within

* Adams, *United States*, vol. vii., pp. 365–367.

* Richardson, *Messages and Papers*, vol. i., pp. 540–541; *Annals of Congress*, 13th Congress, 2d session, pp. 549–550; Benton, *Abridgment*, vol. v., pp. 78–79.

† See *Annals of Congress*, 13th Congress, 2d session, pp. 551–562, 2032–2059; Benton, *Abridgment*, vol. v., pp. 79–80. For text see *Annals*, pp. 2781–2788.

the limits of the jurisdiction of the United States, to continue until January 1, 1815, unless hostilities should cease in the meantime and unless each one of the officers of these ships and each one of its crew were subjects of a nation in amity with the United States. *

Besides the Embargo, Madison had recommended the enactment of laws prohibiting collusive captures, ransoming vessels captured by the enemy, and interference by the courts as well as the introduction of British cottons, woolens, and spirits. A bill in accordance with the last recommendation was reported to the Senate on December 30,† but that body waited until January 27 before taking the matter under consideration, and four days later passed the bill by a vote of 16 to 12.‡ The House referred the matter to the Committee on Foreign Relations, and there it remained. On December 30 a bill prohibiting ransoms was introduced into the House‖ and on January 26 passed by a vote of 80 to 57,§ but when the Senate referred this bill to the Committee on Foreign Relations it was smothered. The fate of these measures foreshadowed the destiny of the Embargo.

The Embargo fell with special severity on Massachusetts, where its effect could be seen in the large number of sailors out of work (some begging their way home and others forced to subsist by charity), and yet the strongest opponents of the modification or repeal of the Embargo were the Federalist members of Congress from New England. They considered the Embargo unconstitutional, but when a resolution was introduced instructing the Committee of Ways and Means to report a bill for its repeal, the House refused even to consider the motion. An effort was made to secure a slight modification, so that ships which had been away from home when the Embargo went into effect might return. A resolution was thereupon introduced bidding the committee inquire into the expediency of permitting vessels absent on December 17 to return to their home ports. To this the House consented, although almost every Federalist voted nay. Various similar resolutions and those favoring a suspension of the Embargo during the negotiations for peace and an inquiry into the expediency of repeal, were introduced; and, with few exceptions, were voted down by the Federalists, who seemed determined that the Administration that passed the measure propose the repeal.

In view of the situation in Europe and of the state of American arms, Madison yielded and on March 31, 1814, sent a message to Congress asking for the repeal of both the Embargo and the Non-importation Act,

* McMaster, vol. iv., pp. 222–223; Adams, *United States*, vol. vii., pp. 367–369.

† *Annals of Congress*, 13th Congress, 2d session, p. 565.

‡ *Ibid*, p. 613.

‖ *Ibid*, pp. 816–817.

§ *Ibid*, pp. 1135, 1139, 1144.

which had been in force against England since 1811.* That so sudden a change of policy might not be ruinous to the manufactures which had been produced by the restrictive system, he further recommended that the double duties on imports, to expire a year after peace had been concluded, should be extended for another year, and, in order not to embarrass the banks, that the exportation of specie be forbidden. The message was referred to Calhoun's Committee on Foreign Relations, which reported a repealing bill on April 4.† To the surprise of everyone, the very men who for months past had been denouncing the law as unconstitutional, now cried out against its repeal. They said that the whole system of restriction was wrong and bad, but the present was no time to abolish it; that such an act would appear to weaken our demands and lessen the desire of the enemy to make peace. Elisha Potter, of Rhode Island, loudly protested against the change. A large amount of Federalist capital had been embarked in manufacturing enterprises as well as in the speculation in such necessities as became scarce through the blockade and the Embargo. Admitting that under the average duties American manufactures would still have an advantage of 36 per cent., he insisted that the intent of the bill was to encourage importations of British goods we could well do without in order to raise an indirect revenue from the people. The Republicans made no attempt to defend themselves against such criticism, and, as the opposition of the Federalists had little weight, the House on April 7 by a vote of 115 to 37 passed the bill repealing the Embargo and Non-importation Acts and sent it to the Senate. There some amendments were made, to which the House reluctantly assented, and on April 12 the Senate passed it by a vote of 26 to 4. On April 14 the President approved the bill and henceforth the restrictive system seemed to vanish from the public mind and party politics of the country.*

Meanwhile Congress had provided for the army. According to Armstrong's report and the Ways and Means Committee, the aggregate strength of the army in February of 1813 was 18,945; in June, 27,609; in December, 34,325; and on January 17, 1814, 33,822; but according to the Adjutant-General's report, the number of regular troops in service in January of 1814 was only 23,614, though the actual strength of the army was less than half that number, because the terms of enlistment of many

* Richardson, *Messages and Papers*, vol. i., pp. 542–543.

† *Annals of Congress*, 13th Congress, 2d session, pp. 1946–1949; Curtis, *Life of Webster*, vol. i., pp. 126–127.

* Adams, *United States*, vol. vii., pp. 374–379; McMaster, vol. iv., pp. 229–230; Curtis, *Life of Webster*, vol. i., pp. 128–130; McMaster, *Life of Webster*, pp. 83–87. For the debate in the Senate, see *Annals of Congress*, 13th Congress, 2d session, pp. 731–734, 738–741; for that in the House, pp. 1962–2002. For text see p. 2830.

soldiers had expired. News from England indicated that in a short time a large number of Wellington's veterans would be sent to Canada and that a vast army would be required properly to defend the northern border and the seacoast. Accordingly, on January 13, 1814, George M. Troup, of the Committee on Military Affairs, introduced in the House a bill making further provision for filling the ranks of the regular army.* Troup did not suggest a draft, but proposed to increase the bounty rather than raise the pay. He at first suggested a bounty of $100, but Congress raised this to $124 with 320 acres of land. The pay of the privates was continued at $10, recruiting agents to receive $8 for each recruit. The Federalists sharply denounced the bill, but on January 14, 1814, it was passed by a vote of 97 to 58. The Senate passed the bill without a division and it received the President's signature on January 27.†

Meanwhile the Senate had passed bills to convert the twelve-months' regiments into regiments enlisted for the war. Three rifle regiments were raised also for the same term, and the President was authorized to enlist any number of volunteers he deemed necessary, offering them the same inducements as to the regulars. Thus organized, the army consisted of forty-six infantry regiments enlisted for five years, an artillery corps and a regiment of light artillery, a regiment of dragoons, a corps of engineers, rangers, and sea-fencibles — an aggregate of 62,773 men. Appropriations of nearly $25,000,000 were made for the military establishment and $7,000,000 for the navy, $500,000 being appropriated to construct floating batteries with steam power.*

The financial outlook was much worse than the military. The annual report submitted by acting Secretary of the Treasury William Jones, on January 10, showed that during the last year he had disbursed $33,000,000 and for the current year would need $45,000,000.† There should have been no difficulty in borrowing the amount needed, but the Government was on the verge of bankruptcy, the amount of capital available for loans was uncertain, and the amount of circulating medium was equally so. In a speech on February 10, 1814, Timothy Pitkin, of Connecticut, said that the bank capital of the United States was not more than $60,000,000 and that the notes of these banks in circulation fell short of $30,000,000.‡ Had the Gov-

* *Annals of Congress*, 13th Congress, 2d session, pp. 928–929.

† Adams, *United States*, vol. vii., pp. 380–384. For the debate in the Senate, see *Annals of Congress*, 13th Congress, 2d session, pp. 576–597; Benton, *Abridgment*, vol. v., pp. 81–82; for that in the House, *Annals*, pp. 928–935, 939–979; Benton, vol. v. pp. 135–146. For text see *Annals*, pp. 2789–2790.

* Adams, *United States*, vol. vii., pp. 384–385.

† *American State Papers, Finance*, vol. ii., p. 651; *Annals of Congress*, 13th Congress, 2d session, pp. 876–880.

‡ *Annals of Congress*, 13th Congress, 2d session, p. 1297.

ernment been able to count on all these resources, they might have answered, but the resources of the New England banks were practically lost to the Nation. The bank capital of Massachusetts (including Maine) approximated $12,250,000; that of Connecticut, $3,000,000; while the whole capital of the New England States reached $18,000,000—nearly one-third of the paid bank capital of the whole country. The fact that the Government could not rely on a large portion of the National resources was serious in itself, but the situation was further aggravated by the fact that New England held a still larger proportion of the specie on which the bank circulation of other States depended. In 1809 the Massachusetts banks reported about $820,000 in specie, which amount had risen to $3,680,000 in June of 1812; to $5,780,000 in June of 1813; and to nearly $7,000,000 in June of 1814.* The specie in New England could find its way back only by means of government loans, which New England refused to make, save in small amounts, the total subscription being less than $3,000,000. On the other hand, the New England banks were practically financial agents of the enemy, since they freely bought British treasury notes at liberal discount and in payment sent to Canada the coin so badly needed at home.* Moreover, New England during the war loaned much more money to the British than to our own government.† Congress well understood the situation and in the debate of February of 1814 many members pointed out the approaching dangers. The Committee of Ways and Means introduced a bill to incorporate a new National bank capitalized at $30,000,000, while Macon went so far as to advocate the issue of government paper. After debate, however, Congress on March 3, by a vote of 97 to 55, merely passed a loan bill for $25,000,000 and an act authorizing the issue of $5,000,000 of interest-bearing Treasury notes, leaving it optional with the President to issue $5,000,000 more in case he could not borrow it.‡ Having authorized these large loans, Congress adjourned on April 18 without attempting to determine where to get the money.

The Administration now settled down into a state of stupor and suffered the people to nurse the idle hope of an armistice or a peace, while the enemy gathered in force on the frontier and off the coast. In May the blockade had extended over New England, a large part of Maine had fallen

* Adams, *United States*, vol. vii., pp. 386–388. Babcock (*Rise of American Nationality*, p. 157) gives slightly different figures, as does Sumner (*History of American Currency*, p. 67.) He gives the specie in Massachusetts banks on June 1, 1811, as $1,709,000; 1812, $3,915,000; 1813, $6,171,000; 1814, $7,326,000; 1815, $3,915,000; 1816, $1,270,000.

* Gallatin's *Writings*, vol. iii., p. 284.

† Adams, *United States*, vol. vii., p. 389.

‡ *Annals of Congress*, 13th Congress, 2d session, pp. 674–675, 1269–1575, 1586–1798, 2795–2798, 2811–2812; Benton, *Abridgment*, vol. v., pp. 174–287.

under British control, and a fleet had arrived in Chesapeake Bay. Late in August came the stunning news that Washington had been captured and the Capitol burned. On August 8, 1814, before the capture of the Capital, Madison issued a proclamation summoning Congress to convene in extra session on September 19 to consider the state of public affairs.* The day after Congress convened the President sent in his message.† He reviewed the various operations on land and sea, spoke of the necessity of filling the ranks of the regular army, and made no secret of the fact that the situation called for the most earnest efforts on the part of Congress and the people.

Congress had been summoned particularly to provide for the wants of the Treasury, but their own condition claimed first attention. A resolution was unanimously adopted to appoint a committee to inquire into the responsibility for the capture of Washington; two days later the place where Congress was to hold its next session was considered. The Capitol was in ruins, but the patent office (which had escaped the conflagration) was prepared temporarily for the accommodation of the members and officers of the Government. But this proved too small, and the members appointed a committee to consider the transfer of the seat of government to Philadelphia. By this time, however, the enemy had left the Chesapeake without showing any intentions of returning, and on October 15 the House rejected the bill by a vote of 83 to 74.* Having decided to stay at Washington, Congress took the next step toward revivication by supplying itself with a library. On September 21, 1814, Jefferson, moved by the need of money and a desire to aid the Government in its embarrassment,† offered to sell to Congress his private library, representing a fifty years' accumulation. As no such collection could then be purchased in bulk in the United States, the Senate promptly accepted the offer.‡ The bill providing for the purchase was then sent to the House, where for two days the purchase was debated in Committee of the Whole. The Federalists and many others cried out against the purchase as a piece of shameful extravagance, but the bill finally passed by a vote of 81 to 71.‖ The amount appropriated was $50,000, which, considering the state of the Treasury, was extravagant.§

* Richardson, *Messages and Papers*, vol. i., p. 544.

† *Ibid*, vol. i., pp. 547–551; *Annals of Congress*, 13th Congress, 3d session, pp. 12–15; Benton, *Abridgment*, vol. v., pp. 296–297.

* *Annals of Congress*, 13th Congress, 3d session, pp. 311–323, 341–342, 344–376, 387–396; Benton, *Abridgment*, vol. v., pp. 322–326, 329–334, 337–339.

† See his letter to Samuel H. Smith, in *American State Papers, Miscellaneous*, vol. ii., pp. 246–247.

‡ *Annals of Congress*, 13th Congress, 3d session, pp. 25–26.

‖ *Ibid*, pp. 398–399, 410–411, 1105–1106.

§ Of the sum appropriated only $23,950 was

Meanwhile George W. Campbell had become Secretary of the Treasury, and though he did not hold his position long (being succeeded on October 7 by Alexander J. Dallas, of Pennsylvania), he held it long enough to render a report (September 23) on the state of the finances. Between January 1 and July 1, 1814, he had paid, he said, $19,700,000 from the Treasury and during the following six months would have to pay out $27,600,000 more. The Treasury would require for 1815 at least as much as for 1814, wherefore it would be necessary for Congress to provide at least $74,000,000 for the service between July 1, 1814, and December 31, 1815. The extent of his resources was only $22,000,000, leaving more than $50,000,000 to be provided for. As loans were impracticable, Campbell discussed the possibility of issuing Treasury notes. He said that $8,000,000 were already in issue, of which $4,000,000 would fall due by the first of the year; that $6,000,000 in Treasury notes was about as large a sum as could be circulated readily; but that by issuing notes of small denominations the amount might be raised to $10,000,000. For the $50,000,000 which must be raised he had no suggestion to offer, leaving it to Congress to meet all difficulties.*

It mattered little whether or not Campbell made any suggestions, for almost immediately after the report was submitted Dallas, as already stated, replaced Campbell as Secretary of the Treasury. Before the new Secretary could frame a plan for the relief of the Treasury, the Committee of Ways and Means reported a scheme to the House (October 10) through its chairman, John W. Eppes.* According to the report, the only means at hand to meet the costs of the war were taxes, loans, and Treasury notes, but the important demands on the Treasury and the unreliability of the production of money by taxation and loans made Treasury notes the only resource open. Eppes proposed to turn the Treasury notes into a National circulating medium by issuing them in sums sufficiently small for the ordinary purposes of trade, to permit holders to fund them at any loan office for 8 per cent. stock, to make them receivable in all payments for public lands and taxes, to pledge the internal revenue for the interest, and to raise the revenue by increasing taxes.†

Dallas now submitted a formidable document containing a scheme of his own. He stated that a permanent annual revenue of $21,000,000 should be raised by taxes, duties, imposts, and

used, that being the estimated value of the 6,487 books purchased (*American State Papers, Miscellaneous*, vol. ii., p. 253).

* For his report see *American State Papers, Finance*, vol. ii., pp. 840–853. See also Adams, *United States*, vol. viii., pp. 240–242.

* *American State Papers, Finance*, vol. ii., p. 854; *Annals of Congress*, 13th Congress, 3d session, pp. 378–381.

† McMaster, vol. iv., p. 233; Adams, *United States*, vol. viii., pp. 247–248.

excises; that a war revenue of $21,000,000 should be raised yearly by doubling the direct tax, the rates of postage, the old taxes on licenses, auction sales and carriages and by the imposition of new taxes on iron, leather, tobacco, snuff, paper, playing cards, mortgages, counsellors, and attorneys-at-law. In addition, he recommended the establishment of a National bank to supply a National circulating medium and to facilitate exchange.* Resolutions embodying his suggestions were thereupon introduced and the bank question was debated first.

That the disorders of the currency were past all endurance was universally admitted, and even old Republicans generally conceded that the best way to regulate it was by means of a National bank. There were a few, however, who could not lay aside their old hatred of banks, and these refused to support Dallas' plan. Nevertheless, on October 20, by a vote of 66 to 40 the House voted to establish a National bank, and on November 7 a bill for the establishment of a bank according to Dallas' plan was reported. The bank was to be located at Philadelphia and was to have $50,000,000 capital, of which $44,000,000 might be subscribed in government bonds and notes and $6,000,000 in coin.† The Federal government was to pay its subscription of $20,000,000 in 6 per cent. stock, and the balance of $30,000,000 to be subscribed by individuals, companies or corporations. But the latter must pay $6,000,000 in gold or silver and the rest in specie or Treasury notes and stock in the proportion of $3 in stock to $1 in notes, thus making the amount $18,000,000 in stock, $6,000,000 in notes, and $6,000,000 in specie.*

Discussion of the bill began on November 14 and every day brought new objections and increased opposition. On November 16 Calhoun introduced another scheme, eagerly seized upon by the House.† His plan was to incorporate a bank with $50,000,000 capital in which the Government should own no stock over which it should exercise no jurisdiction and from which it could borrow no funds, the capital consisting of $6,000,000 in specie and $44,000,000 in Treasury notes to be issued for that purpose and to be subscribed in certain proportions on the last three days of every month. Ingham, of Pennsylvania, representing Dallas, energetically combatted Calhoun,‡ but Calhoun's scheme was considered best and was adopted by a large majority.|| Discussion brought out so many unforeseen difficulties

* *American State Papers, Finance*, vol. ii., pp. 866–869; *Annals of Congress*, 13th Congress, 3d session, pp. 401–410.

† Dewey, *Financial History*, pp. 146–147.

* McMaster, vol. iv., pp. 234–235; Adams, *United States*, vol. viii., p. 250.

† *Annals of Congress*, 13th Congress, 3d session, pp. 587–588.

‡ *Ibid*, p. 589.

|| *Ibid*, pp. 590–618, 620–622, 626–635, 642–643; Benton, *Abridgment*, vol. iv., pp. 363–376, 379–386.

that on November 29 the bill was recommitted to a select committee, consisting of Calhoun, Ingham, Forsyth, and two Federalists.*

When the committee received the bill, Lowndes wrote Dallas asking what effect the issue of $44,000,000 in Treasury notes would have on the sale of the proposed loan of 1815 and on the market value of notes already due and not receivable in payment of subscriptions to a National bank. He inquired also whether the new notes could be put in circulation without depreciation. In reply, on November 27, Dallas plainly intimated that Calhoun's scheme was impractical and mischievous, saying that to issue $44,000,000 in Treasury notes would have a bad effect, because the new creditors would enjoy a privilege denied the old creditors, which would create discontent and tend still further to depress government paper, and because it would be almost impossible to float the proposed loan of 1815 if the Government could not borrow from the bank. He said furthermore that it would be utterly impossible to put the new notes into general circulation without depreciation.† Accordingly, the next day (November 28), Lowndes submitted the bill without amendment, together with Dallas' letter, informing the House that the committee could reach no agreement.

* Adams, *United States*, vol. viii., pp. 250–252; McMaster, vol. iv., pp. 237–238.

† *American State Papers, Finance*, vol. ii., pp. 872–873; *Annals of Congress*, pp. 652–654.

The House thereupon took the bill under consideration and cut the capital down to $30,000,000, whereupon a fiery debate ensued. Finally by a vote of 104 to 49 the bill was refused a third reading and so was rejected.*

It was plain that the House must resort to inconvertible paper, whether it was issued by the Treasury or by a bank. Dallas, Calhoun, and Eppes were agreed on this point, if on no other; but the House, after sitting for two months and a half, reached no decision. Eppes wrote to Dallas on December 2 for further information. The same day Dallas replied that $5,526,275.80 in Treasury notes and dividends were due or would fall due before January 1, and that to meet these demands the Treasury would not have more than $3,772,287.13, including unavailable bank credits.† For immediate relief, therefore, Eppes reported a bill providing for some $10,000,000 more of interest-bearing Treasury notes. This was passed and became law on December 26, without materially improving the situation. On December 22, by a vote of 106 to 53, the House raised the direct tax to $6,000,000,‡ and the measure passed the Senate on January 5, 1815, by a vote of 23 to 7.||

* *Annals of Congress*, pp. 655–658; McMaster, vol. iv., p. 238; Adams, *United States*, vol. viii., pp. 252–253.

† *Annals*, pp. 762–770.

‡ Adams, *United States*, vol. viii., pp. 254–255. For the debate, see *Annals*, pp. 938–951, 958–971.

|| *Annals*, p. 160.

Meanwhile the Senate had taken the bank matter in hand, when Rufus King, on December 2, introduced a bill to incorporate a bank along the lines suggested by Dallas. This bill was passed on December 9 by a vote of 17 to 14* and sent to the House, which referred it to the Committee of Ways and Means.† On December 14 the bill was reported with amendments,‡ but not before December 23 did the debate begin, to be cut short four days later by C. J. Ingersoll, who pledged the House, by a vote of 72 to 70, to call for the previous question and ordered the bill to a third reading.|| The bill was then recommitted for amendment, again reported, and vehemently attacked. On January 2 Daniel Webster made a long speech in which he said:

"What sort of an institution, sir, is this? It looks less like a bank than like a department of government. It will be properly the paper money department. Its capital is government debts; the amount of issues will depend on government necessities; government in effect absolves itself from its own debts to the bank, and by the way of compensation absolves the bank from its own contracts with others. This is, indeed, a wonderful scheme of finance. The government is to grow rich because it is to borrow without the obligation of repaying, and is to borrow of a bank which issues paper without liability to redeem it. * * * They provide for an unlimited issue of paper, in an entire exemption from payment. They found their bank in the first place on the discredit of government, and then hope to enrich government out of the insolvency of the bank."§

* *Annals of Congress*, pp. 126–127.

† *Ibid*, p. 833.

‡ *Ibid*, p. 902.

|| *Ibid*, p. 976 *et seq.*

§ *Ibid*, p. 1016. White (*Money and Banking*, pp. 273–276) gives other excerpts from the speech.

Accordingly Webster moved that the committee be instructed to report a bill creating a bank with $25,000,000 capital, composed of $5,000,000 of specie and $20,000,000 of government securities, without power to suspend specie payments and without obligation to lend to the Government three-fifths of its capital.* The debating, amending, and quarreling over, the House came to a vote on the same day and divided — 81 yeas to 80 nays. Thereupon the Speaker, Langdon Cheves, after denouncing the bank as a dangerous, unexampled, and desperate measure, cast his vote against the bill, thus tying the vote. According to the rules, the Speaker was then called upon to cast a deciding vote, which Cheves did in the negative, and the bill was rejected.†

The House seems to have regretted this action, for on the next day the vote was reconsidered and by a majority of 107 to 54 the bill was sent to a select committee,‡ whence it was reported on January 6 in the form proposed by Webster. The next day, weary of the struggle, the House passed the bill by a vote of 120 to 38.|| On January 20 it was passed in the Senate by a vote of 20 to 14§ and then

* *Annals*, pp. 1025–1026; Dewey, *Financial History*, pp. 147–148; Tefft, *Life of Webster*, p. 155.

† McMaster, vol. iv., pp. 238–239; Adams, *United States*, vol. viii., pp. 258–259; Curtis, *Life of Webster*, vol. i., pp. 141–143; Tefft, *Life of Webster*, pp. 156–160.

‡ *Annals*, pp. 1026–1030.

|| *Ibid*, pp. 1039–1045; White, *Money and Banking*, p. 276.

§ *Annals*, pp. 173–177.

sent to the President.* After ten days' deliberation, Madison returned the bill with his objections. He said that the bank could afford no real relief in the way of loans to the Government and could not be relied on to provide a circulating medium, that the amount of stock subscribed was insufficient to raise the price of that stock in the market, and that public credit would not be benefited in the least by the amount of Treasury notes provided for.† Once back in the Senate, an attempt was made to pass it over the veto; but as this was impossible, a new bill providing for a bank of $50,000,000 capital, from which the Government might borrow $30,000,000, was rushed through and sent to the House.‡ Then came new debates, references, and reports, but amid the enthusiasm over the triumph at New Orleans and the peace rejoicings, the bill was postponed by a single vote on the ground of want of time and as not requiring particular attention just then.‖

Thus the Treasury was left without a resource in prospect; the unsatisfied demands reached nearly $20,000,000 while the cash balance (chiefly in bank credits) hardly exceeded $6,000,000. A further deficit of $40,000,000 remained to be provided above the estimated revenue of 1815.* At that time the United States 6 per cents. commanded only between 50 and 60 cents on the dollar, and at Boston were quoted at a discount of 40 cents. Being in demand for the payment of taxes, Treasury notes were worth only about 75 cents on the dollar. Dallas had no real hope of carrying on the Government, saying in a letter to the Committee of Ways and Means: "When I perceive that more than forty millions of dollars must be raised for the service of the year 1815, by an appeal to public credit, through the medium of treasury notes and loans, I am not without sensations of extreme solicitude."†

The military situation was as desperate as the financial. The military committee of the House having called upon Secretary of War Monroe for suggestions, he suggested that the field army, which on October 1 numbered 34,000, be raised at once to the legal limit of 62,000; and also that a defensive army of 40,000 men be raised, so that when the next campaign opened there would be 100,000 regular troops in the field.‡ As the experience of the past two years had proven that these troops could not be raised by enlistment, Monroe suggested that all men between the ages

* For text see *American State Papers, Finance*, vol. ii., pp. 892–895.

† *Annals*, pp. 189–191; Richardson, *Messages and Papers*, vol. i., pp. 555–557; *American State Papers, Finance*, vol. ii., pp. 891–892; Dewey, *Financial History*, p. 148; Von Holst, *Constitutional and Political History*, vol. i., pp. 385–387.

‡ *Annals*, pp. 192–201, 208–214, 226, 230–231.

‖ *Ibid*, pp. 1080–1083, 1149–1152, 1167–1168.

* See the report of Dallas of January 17, 1815, *American State Papers, Finance*, vol. ii., p. 885; *Annals*, pp. 1088–1095.

† *American State Papers, Finance*, vol. ii., p. 888.

‡ Adams, *Lives of Madison and Monroe*, p. 275.

of eighteen and forty-five be enrolled and divided into classes of 100, who should select among themselves persons to go to war and should keep up this quota constantly; but if any of these classes should fail to do this, the men required were to be drafted.*

The matter was immediately taken up by Congress. In the Senate, Giles on November 5 reported two measures, one extending the age of enlistment from twenty-one to eighteen years, doubling the land bounty and exempting from military duty every militiaman who furnished a recruit for the regular service, and the other raising an army of 80,000 militia by draft to serve as an army of defence for two years within the limits of their own or an adjoining State. On November 16, when the bill came under discussion, Senator Varnum, of Massachusetts, objected to drafting militia for two years' service, because the principle of nine months' service was already established by the common law; if the Nation wanted a regular force, he said, why not make it a part of the regular army without a system of drafting militia "unnecessary, unequal, and unjust." † Then David Daggett, of Connecticut, asserted that the bill was unconstitutional, unjust, and incapable of execution.* Jeremiah Mason, of New Hampshire, said that the measure was inconsistent with the spirit of civil liberty and any attempt to enforce it ought to be resisted.† Christopher Gore, of Massachusetts, who followed Mason, also declared the bill impracticable, unconstitutional, unequal, unjust, and oppressive.‡ Robert H. Goldsborough, of Maryland, denounced the scheme because it would work a hardship on the middle ranks in society —"your tenantry, your mechanics, your manufacturers — the men who constitute the very bone and muscle of your population." ‖ But the Senate turned a deaf ear to all these arguments and appeals, passing the militia bill by a vote of 19 to 12 and sending it to the House. The regular army bill had already passed on November 11 without a division, and both measures were then committed by the House to the Committee of the Whole.§ After the committee had reduced the term of service from two years to one, Richard Stockton, of New Jersey, charged that Congress was about to usurp the rights and sovereignty of the State governments and asserted that no one could seriously expect the people of the State governments to submit to the usurpation. He asked the majority if they had examined the cloud rising in the

* *Annals of Congress*, 13th Congress, 3d session, pp. 482–491; Adams, *United States*, vol. viii., pp. 264–266; McMaster, vol. iv., pp. 240–241.

† *Annals of Congress*, 13th Congress, 3d session, pp. 58–70.

* *Annals*, pp. 70–77.

† *Ibid*, p. 83.

‡ *Ibid*, pp. 95–102.

‖ *Ibid*, pp. 103–109.

§ Adams, *United States*, vol. viii., pp. 269–273; McMaster, vol. iv., pp. 241–243.

East (meaning the Hartford Convention) and whether they did not perceive that it was black, alarming, and portentous.* Despite all the influence of the Republican leaders in the House, the opposition gradually won control in it. On December 10, by a vote of 62 to 57, the House reduced the term of service from two years to one, and finally (December 14) the bill passed by a vote of 84 to 72, then going to the Senate. The latter would not consent to the reduction, and at a conference suggested 18 months as a compromise. By a vote of 73 to 64, however, the House rejected the report of the conference committee on December 27, and the next day Rufus King in the Senate made a motion for an indefinite postponement, which was carried by a vote of 14 to 13. This in effect destroyed the bill.†

At that time the resources of the National government were exhausted; it was on the brink of ruin. Timothy Pickering expected that the Union would soon be divided into its component parts,‡ while others expected only a dissolution of the Government. Joseph Hopkinson later said in Congress that the Federal government was in its death throes:

"But six months longer and it was no more. * * * The General Government would have dissolved into its original elements; its powers would have returned to the States from which they were derived; and they doubtless would have been fully competent in their defence against any enemy. Does not everybody remember that all the great States, and I believe the small ones, too, were prepared for this state of things and organizing their own means for their own defence?" *

Hopkinson was wrong in including all the States, since it was the New England States to which he particularly referred. Calhoun contradicted Hopkinson, knowing that his own State had never been a party to such a scheme; but the former little knew how easily New England could be induced to take treasonable action.

At the beginning of 1814 the attitude of New England pleased no one; in fact, ever since the defeat of Adams, New England — and Massachusetts in particular — had been ill-disposed toward the Government. Twice the extreme partisan leaders had planned and considered a movement for secession, but it was not until 1814, when the Federal government was tottering under its enormous load and when the people should have given it their heartiest support, that the people of New England began to do their part in creating a scission of the Union. The extreme Federalists soon began openly to express the wish that the State assume an attitude of resistance to the Union. Timothy Pickering said that he believed an immediate separation would be a real blessing to the "good old thirteen States." † Early in 1814 he thought that the time had

* *Annals*, p. 848. For similar expressions, see *ibid*, pp. 790, 829, 833, 907.

† Adams, *United States*, vol. viii., pp. 273–280; McMaster, vol. iv., p. 243.

‡ Adams, *New England Federalism*, p. 425.

* *Annals of Congress*, 14th Congress, 1st session, p. 795.

† Adams, *New England Federalism*, p. 391.

come to put his plan into effect and, without consulting his old associates of the Essex Junto, began to stimulate action among the people and in the State legislature. The first step was to persuade the towns to adopt addresses to the General Court. Some forty towns followed this course,* and their addresses were referred to a committee of the General Court, which reported February 18, 1814, in a spirit not altogether satisfactory to the advocates of action. They declared the Embargo unconstitutional and said:

"A power to regulate commerce is abused when employed to destroy it; and a manifest and voluntary abuse of power sanctions the spirit of resistance, as much as a direct and palpable usurpation. The sovereignty reserved to the states was reserved to protect the citizens from acts of violence by the United States, as well as for purposes of domestic regulation. We spurn the idea that the free, sovereign and independent state of Massachusetts is reduced to a mere municipal corporation, without power to protect its people, and defend them from oppression, from whatever quarter it comes. Whenever the national compact is violated and the citizens of this state are oppressed by cruel and unauthorized laws, the Legislature is bound to interpose its power and wrest from the oppressor his victim. This is the spirit of our Union, and thus it has been explained by the very man [Madison] who now sets at defiance all the principles of his early political life. * * * On the subject of a convention, the committee observe that they entertain no doubt of the right of the Legislature to invite other States to a convention, and to join it themselves for the great purpose of consulting for the general good, and of procuring amendments to the Constitution whenever they find that the practical construction given to it by the rulers for the time being is contrary to its true spirit and injurious to their immediate constituents."†

The committee advised that the matter be referred to the representatives soon to be returned to the General Court. Thus the subject of a New England convention was expressly referred to the people, and during the spring elections held in April this issue overshadowed all others,* resulting in the election to the next General Court of representatives who would take decisive action against the war.‡ Finally in his message to the special session of the Legislature, which convened October 5, 1814, Governor Strong said:

"The situation is peculiarly dangerous and perplexing. We have been led by the terms of the Constitution to suppose that the government of the Union would provide for our defence. We have resigned to that government the revenues of the State with the expectation that this object would not be neglected. But the government has declared war against the most powerful maritime nation, whose fleets can approach every section of our extended sea-coast, and we are disappointed in our expectation of national defence. Let us then, relying on the support and direction of Providence, unite in such measures for our safety as the times demand and the principles of justice and the law of self-preservation will justify."

Governor Strong knew that extreme partisans of the Pickering type were in control of the Legislature and he knew also the temper of the people.

* See Adams, *United States*, vol. viii., pp. 5–7.

† *Niles' Register*, vol. vi., pp. 4–8; Von Holst, *Constitutional and Political History*, vol. i., p. 254. It is stated by some that Harrison Gray Otis, in a letter to Josiah Quincy in 1808, was the first to suggest the convention. See Edmund Quincy, *Life of Quincy*, p. 164.

* On the disaffection and its consequences, see Gillet, *Democracy in the United States*, pp. 29, 79; Hildreth, *United States*, vol. vi., p. 469; the article *New England Secessionists*, in *The New Englander* (March, 1878). Hildreth (p. 470) erroneously gives the date of the report as February 16.

† Adams, *United States*, vol. viii., pp. 9–13.

The Boston *Sentinel* announced on September 10, 1814, that the Union was practically dissolved and that the people must rise in their majesty, protect themselves, and force their unworthy servants to obey their mandates. On October 12 Pickering wrote to Strong a letter which closed with the remark that, being abandoned by the general government save for the purpose of taxation, "we must defend ourselves and ought to secure and hold fast the revenues indispensable to maintain the force necessary for our protection against the foreign enemy and the still greater evil in prospect — domestic tyranny."* Again, in writing to Gouverneur Morris, he said: "I have even gone so far as to say that the separation of the Northern section of the States would be ultimately advantageous." †

In reply to the Governor's message, the Senate said that it should not be forgotten that the conditions he mentioned had been forced on the commonwealth not only against her consent, but in the face of her earnest protest. They asserted that the Government had been forewarned that a war with Great Britain would be attended by the extinction of our commerce, desolation of our coasts, blockade of our sea-towns, failure of National credit, poverty and desolation among the poorer classes, by additional taxation, and by an alliance with France. But the Government was deaf to the warning and it was therefore the duty of the Senate to declare that the National Administration had failed to secure to New England the rights and benefits expected under the Constitution. There was a means of redress, however,— the Federal Constitution could be amended. But since a proposition for such a convention if made by a single State would probably be unsuccessful, the State recommended that a conference be held of such New England States "the affinity of whose interests is closest;" and that this conference lay the foundation for a radical reform of the Constitution by inviting to a future convention representatives from all the States in the Union.*

A resolution calling for a conference of the New England States to meet at Hartford on December 15 was then introduced, and on the 13th, after a sharp debate and in spite of the opposition of the minority, was passed by both Senate and House. On October 16, therefore, the majority chose 12 delegates to meet and confer on December 15 with the other New England States "upon our public grievances and concerns." † On October 17 the invitation was issued to the other New England States, and one by one the replies came in. Connecticut accepted (the vote standing 153 to 36) and immediately appointed seven

* Adams, *New England Federalism*, p. 394.

† Lodge, *Life of Cabot*, p. 535.

* McMaster, vol. iv., pp. 246–247; Adams, *United States*, vol. viii., pp. 224–225; *Niles' Register*, vol. vii., pp. 149–152.

† Babcock, *Rise of American Nationality*, p. 161.

delegates, but limited them to "such measures for the safety and welfare of these States as may consist with our obligations as members of the National Union." * On November 5 Rhode Island, by a vote of 39 to 23, appointed four delegates; but they were to do nothing that was not "consistent with their obligations." † The Legislature of Vermont, including its Federalist minority, unanimously declined the invitation,‡ and the Republican council in New Hampshire refused to convene the Legislature for action on the subject.||

The Massachusetts delegation was quite conservative, considering the nature of the men who had so strongly urged the convention. George Cabot was chosen as the head of the State delegation; but his election did not please such advocates of action as Pickering. Of the other members, William Prescott, Nathan Dane, and Harrison Gray Otis were both prudent and cautious. Of the same stamp were James Hillhouse, Chauncey Goodrich, and Roger M. Sherman of the Connecticut delegation.

When the appointed day arrived, the delegates assembled at Hartford. There they were joined by two delegates from New Hampshire chosen by a popular convention in the counties of Grafton and Cheshire, who were admitted, and a little later by a delegate from Windham County, Vermont. George Cabot was chosen president of the convention and Theodore Dwight secretary; and it was decided to make the sessions secret.* On the first day a committee was appointed, of which Goodrich and Otis were members, to consider and report on the business to be done. This committee reported that the points in dispute between the States and the National government were the militia power, conscription power, the duty and means of defence, and matters of a like nature. Two days were spent in discussion, at the end of which another committee was appointed (Nathaniel Smith, of Connecticut, at its head and Otis a member) to frame a general project of measures. Another committee (with Otis as chairman) was appointed December 21 to prepare a report showing the reasons which guided the conventions to its results. It is probable that Otis was the author of the report adopted January 24 recommending a course to the convention; and he was chairman of the committee to which the report was referred and by which, after a discus-

* *Niles' Register*, vol. vii., p. 158.

† *Ibid*, vol. vii., p. 181.

‡ *Ibid*, vol. vii., p. 167.

|| Adams, *United States*, vol. viii., p. 227; McMaster, vol. iv., p. 248; Schouler, *United States*, vol. ii., pp. 469–470; Von Holst, *Constitutional and Political History*, vol. i., p. 261.

* McMaster, vol. iv., p. 249; Adams, *United States*, vol. viii., pp. 292–293. Von Holst (*Constitutional and Political History*, vol. i., p. 263) says that if the New Englanders were concocting a conspiracy to separate the New England States from the Union, the death sentence had already been passed upon the project. If the conspirators meet on a publicly appointed day but decide to exclude the public from their deliberations, the conspiracy becomes a complete absurdity.

sion lasting from December 24 to 30, the final report was framed.

The report began by urging patience and firmness. Though flagrant abuses prevailed in every department of the Government, the time was not yet ripe for open resistance. The heavy taxes, wasteful expenditures, lust of power, corruption of patronage, etc., were simply the result of bad administration, not the fault of the form of government. But if events should prove these evils permanent and make secession necessary, it should occur in time of peace and by deliberate consent. In reviewing the conscription bill then before Congress, and the President's right to call out the militia, the Convention decided that the behavior of the President and the plan of the Secretary of War showed a total disregard of the Constitution and a disposition to violate its provisions. They then went on to say that, "in case of deliberate, dangerous and palpable infractions of the Constitution affecting the sovereignty of a State and the liberties of a people, it is not only the right but the duty of such a State to interpose its power for their protection in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges and execute their own decisions." It was recommended that Congress be asked to allow every State to protect itself by raising armies and to appropriate part of the Federal taxes collected in the respective States to meet the cost. Seven amendments were proposed to the Federal Constitution, on which immediate action was neither asked nor expected. These bore on the exclusion of slaves as a basis of apportioning Representatives among the people; the restriction of the Constitutional power of Congress to admit new States into the Union; the limitation of the power of Congress respecting the Embargo and the right to restrict commerce; the restriction of the war-making power of Congress; the exclusion of such foreigners as should thereafter arrive in the United States and become naturalized from holding office under the Government; and the limitation of the Presidency to a single Constitutional term and the interdiction of electing a President from the same State for two consecutive terms.* The only recommenda-

* The journal of the convention is in Dwight, *History of the Hartford Convention, with a Review of the Policy of the United States Government which Led to the War of 1812*, pp. 383–398 (ed. 1833) and the text of the report on pp. 352–379. The report will also be found in *Niles' Register*, vol. vii., pp. 305–313 and the statistical tables on pp. 328–332. The records of the doings of the convention were published soon after under the title *Proceedings of a Convention of Delegates, from Massachusetts, Connecticut, and Rhode Island; the Counties of Cheshire and Grafton in N. H.; and the County of Windham in Vermont; Convened Dec. 15th, 1814.* It is also in *Public Documents, containing Proceedings of the Hartford Convention; Report of the Commissioners while at Washington; Letters from Massachusetts Members in Congress, and Letters from the*

tions on which speedy action was expected were those granting the New England States a reasonable portion of the taxes collected within them and an arrangement whereby these States might be empowered separately or in concert to assume the defence of the territory against the enemy. If the United States should decline such an arrangement, if peace were not concluded, and if the general government failed to defend New England, the States were to send delegates to another convention to meet at Boston on June 15, "with such powers and instructions as the exigency of a crisis so momentous may require."* After the adoption of all reports, the convention adjourned.

No one doubted that moderate men would approve the report of the Convention, but there was some question as to the probable course of partisans like Gouverneur Morris, Pickering and John Lowell, who wanted immediate action. For the sake of unanimity, however, these men acquiesced in the report, which was approved also by Governor Strong and Senator Gore. There is no record that any leading Federalist disapproved the report. In Massachusetts and Connecticut the acquiescence was expressed. On January 24 the Massachusetts Legislature approved the proceedings of the Convention and resolved that commissioners be appointed to go to Washington for the purpose of effecting the proposed arrangement. Accordingly three commissioners, with Harrison Gray Otis at their head, were quickly appointed.† Connecticut acted with equal zeal and expedition.

Governors of Pennsylvania, New Jersey, and New York (*Mass. Senate Doc.*, Boston, 1815). According to Lodge (*Life of Cabot*, p. 510), the original journal is in the Adams archives. The earliest authoritative statements by friends were the *Letters Developing the Character and Views of the Hartford Convention by Harrison Gray Otis, first published in the National Intelligencer, Jan., 1820* (Washington, 1820) and the anonymous account (though known to have been written by Theodore Lyman) entitled *Short Account of the Hartford Convention, taken from Official Documents: Added an Attested Copy of the Secret Journal of that Body* (Boston, 1823), and Otis' *Letter in Defence of the Hartford Convention and the People of Massachusetts* (Boston, 1824), the last being in effect a campaign document to defeat the election of Eustis to the governorship. Jeremiah Mason (*Memoir*, p. 270) calls it the last struggle of Federalism. See also R. M. Sherman's account in *Niles*, vol. xxxix., pp. 434–435, and for some articles hostile to the convention, *ibid*, vol. vii., pp. 185–189, 193–197, 257, 258, 321–326, 337, 338, 369–371; Ingersoll, *History of the Second War*, vol. ii., pp. 216–248; Holmes' *Annals*, vol. ii., pp. 467–469. See also Barry, *Massachusetts*, vol. iii., pp. 407–422; articles in the *New Englander*, vol. xxxvii., pp. 145–159; the *New England Magazine*, vol. vi., pp. 181–193 (March, 1834); Lodge, *George Cabot*, chaps. xi.–xiii.; McMaster, vol. iv., pp. 250–252; Von Holst, *Constitutional and Political History*, vol. i., pp. 263–269; the defence of Noah Webster in his *Essays* (1843); the testimony of Otis and Sherman in S. G. Goodrich, *Recollections of a Lifetime*, vol. ii., pp. 1–50; the letters in Sullivan, *Public Men*, p. 356 *et seq.*; Hildreth, *United States*, vol. vi., pp. 533, 545–553; Loring, *Hundred Boston Orators*; Fowler, *Sectional Controversy*; S. D. Bradford's *Works*; L. Josselyn, *Appeal to the People; proof of an alliance between the American Whigs and the British Tories* (Boston, 1840); *Identity of the Hartford Convention Federalists with the Modern Whig Harrison Party* (Boston, 1847).

* Adams, *United States*, vol. viii., pp. 297–298; McMaster, vol. iv., pp. 251–252. Facsimiles of the signatures of those who signed the report will be found in Lossing, *War of 1812*, p. 1014.

† Adams, *United States*, vol. viii., p. 300 *et seq.*

Governor John C. Smith called a special session of the Legislature to assemble on January 25 to act on the delegates' report. Without delay, the measures recommended by the Convention were approved by the Legislature and delegates were appointed to accompany those sent from Massachusetts.* Early in February the five set out, but almost at the same time the sloop *Favorite* entered New York harbor, bearing a gentleman who declared himself to be Henry Carroll, the bearer of the treaty of peace.†

CHAPTER XXIV.

1814-1815.

FIGHTING ON THE GULF COAST.

Dispatch of the British expedition — Jackson's advance toward Pensacola — Arrival of Nicholls and Percy — Percy's attempt to secure aid from the Lafittes — Patterson's attack on the Baratarians — Repulse of the British at Fort Bowyer — Capture of Pensacola by Jackson — His arrival at New Orleans — Inactivity of the Louisianians — Jackson's measures for defence — Defeat of Jones' gunboat flotilla — Martial law declared — Arrival of troops — Jackson's attack on Thornton's detachment — Attack on the *Carolina* and *Louisiana* — The artillery duel of January 1 — The battle of January 8 and the subsequent retreat of the British — Attacks on Forts St. Philip and Bowyer — Jackson's dispute with the civil authorities.

In a dispatch to the home government, Cochrane expressed the belief that 3,000 British troops landed at Mobile could, with the aid of the Indians and the disaffected French and Spaniards, drive the Americans entirely out of Louisiana and the Floridas.* Accordingly the British government directed General Ross to carry out Cochrane's plan, but Ross' death interfered. On October 17 the War Department in London received word of Ross' death and without delay Major-General Sir Edward Pakenham and Major-General Sir Samuel Gibbs were sent to the West Indies to join Cochrane at Negril Bay in Jamaica, whither the large force intended for operations against New Orleans was already moving from several different quarters.

Meanwhile Jackson had been appointed to the command of the seventh military district, with headquarters at Mobile,‡ where he arrived about August 15. He had not the slightest thought of defending New Orleans, considering, with most of the Southwesterners, the Republic unsafe as

* Adams, *United States*, vol. viii., p. 311; McMaster, vol. iv., p. 149.

* Schouler, *United States*, vol. ii., p. 475. Von Holst (*Constitutional and Political History*, vol. i., pp. 269–272) points out the political significance of the convention and the adoption of the report by Massachusetts and Connecticut.

† McMaster, vol. iv., pp. 254–255.

‡ Buell, *History of Andrew Jackson*, vol. i., p. 336; Parton, *Life of Jackson*, vol. i., pp. 545–546.

long as a Spanish garrison was stationed anywhere along the north coast of the Gulf of Mexico. He therefore bent his energies on expelling them, beginning the task with the idea of pushing his army directly through the Creek country to Pensacola, which he hoped to take and hold. On receiving command of the district he wrote to Armstrong begging him for orders to take Pensacola,* but such orders did not come, and when he reached Fort Jackson he entered into an angry correspondence with the governor of Pensacola regarding the surrender of Francis, McQueen and the other Red Sticks who had escaped into the Spanish territory.†

The old town of Pensacola had one of the finest harbors in all Florida, but was of no commercial importance whatever. The inhabitants were chiefly West India traders, smugglers, privateersmen, Indians, half-breeds, runaway negroes, and white men who had fled from American territory for good cause.‡ Before this place on July 25 appeared Major Edward Nicholls with about 110 troops, two howitzers, a field-piece, 1,000 stand of arms, 300 suits of clothing for the Indians, and the British vessels *Hermes* and *Carron*, with Captain W. H. Percy in command. Though the territory belonged to Spain, Nicholls, without the slighest ceremony, seized Fort Barrancas at the entrance of the harbor, raised the British flag, disembarked arms and ammunition, took up his abode in the governor's house, and issued a proclamation to the inhabitants of Kentucky and Louisiana calling upon them to assist him in liberating the soil from the faithless and imbecile United States government.* He then set about collecting the fugitive Red Sticks, dressed them in red coats,† armed them with muskets, and drilled them every day on the streets of Pensacola.‡

Jackson at Mobile, some 60 miles away, soon learned of the landing of Nicholls at Pensacola and also that 13 ships of the line, with transports and 10,000 troops on board, were daily expected there. Accordingly, on August 27, he wrote to Governor Blount, of Tennessee, requesting him without delay to organize, equip, and bring into the field, Tennessee's quota of 2,500 militia. This request was heeded and in a short time the Tennessee quota, with many volunteers from that State and Kentucky, put themselves under Jackson's immediate command.‖ Captain Percy then decided to act and on September 1 sent the British sloop of

* Buell, *History of Andrew Jackson*, vol. i., p. 346.

† Frost, *Life of Jackson*, pp. 264–268; Parton, *Life of Jackson*, vol. i., p. 594 *et seq.*

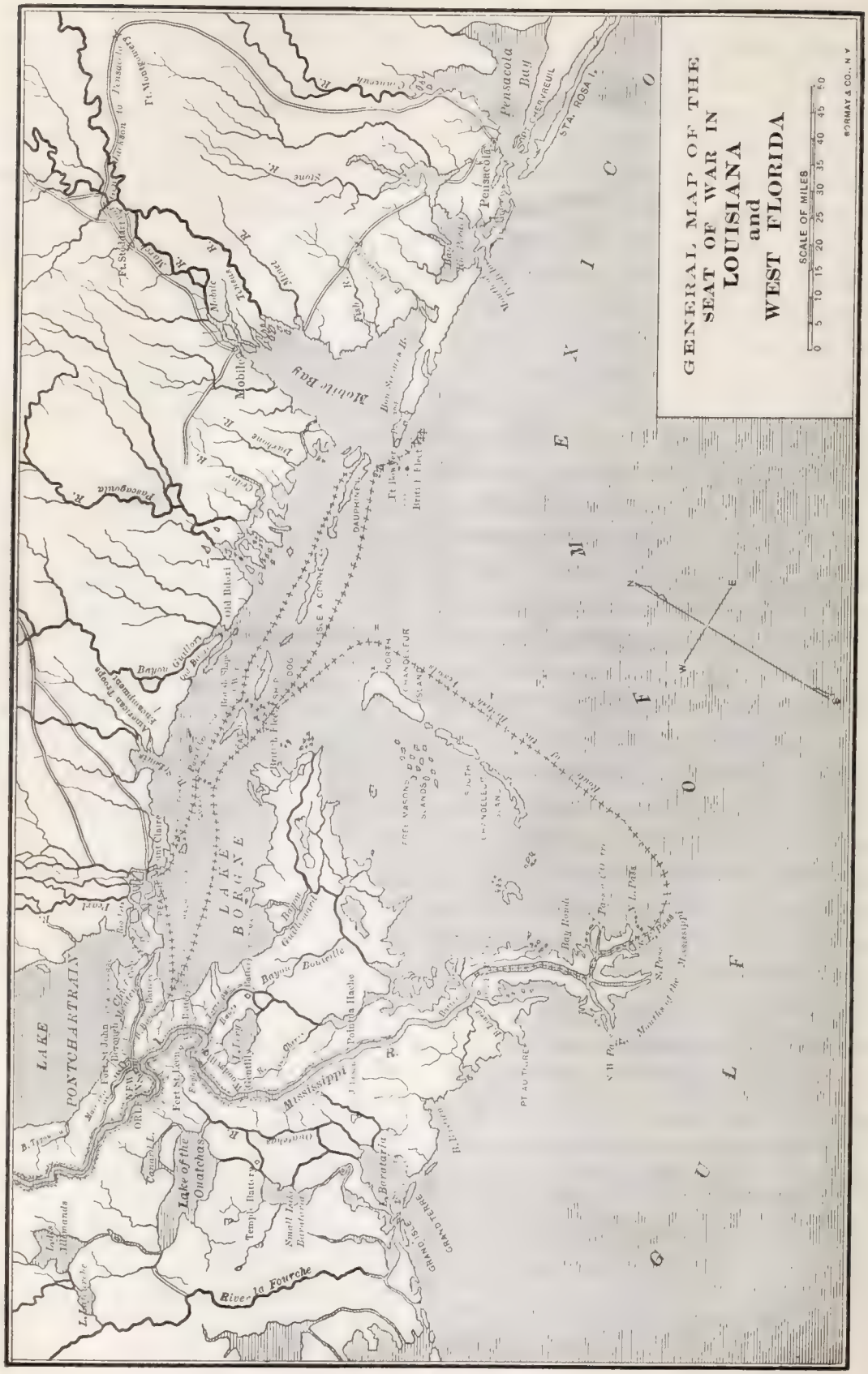
‡ Fuller, *The Purchase of Florida*, p. 205.

* Lossing, *War of 1812*, p. 1017; Parton, *Life of Jackson*, vol. i., pp. 576–579; Frost, *Life of Jackson*, pp. 269–272. For text, see *American State Papers, Foreign Relations*, vol. iv., p. 543.

† A. L. Latour, *Historical Memoir of the War in West Florida and Louisiana*, p. 11.

‡ Hawkins to Armstrong, August 16, 1814, *American State Papers, Indian Affairs*, vol. i., p. 860; Adams, *United States*, vol. viii., pp. 319–320; Parton, *Life of Jackson*, vol. i., pp. 579–580.

‖ Parton, *Life of Jackson*, vol. i., p. 599.


GENERAL MAP OF THE
SEAT OF WAR IN
LOUISIANA
and
WEST FLORIDA
SCALE OF MILES
0 5 10 15 20 25 30 35 40 45 50
E. & R. MAY & CO., N.Y.
Pensacola Bay
Pensacola
Mobile Bay
Mobile
Ft. Morgan
Ft. Stoddart
Ft. Mimms
Ft. Bowyer
Ft. Pickens
Ft. Barrancas
Ft. Gaines
Ft. Powell
Ft. Jackson
Ft. St. Philip
Ft. Pike
Ft. Wagner
Ft. Sumter
Ft. Moultrie
Ft. Pulaski
Ft. Clinch
Ft. Macon
Ft. Caswell
Ft. Fisher
Ft. Hatteras
Ft. Monroe
Ft. Leavenworth
Ft. Scott
Ft. Gibson
Ft. Smith
Ft. Washington
Ft. Lyon
Ft. Bent
Ft. Kearny
Ft. Laramie
Ft. Hall
Ft. Boise
Ft. Vancouver
Ft. Yuma
Ft. Tejon
Ft. Mohave
Ft. Bridger
Ft. Kearney
Ft. Leavenworth
Ft. Riley
Ft. Ellsworth
Ft. Dodge
Ft. Lyon
Ft. Bent
Ft. Laramie
Ft. Kearny

war *Sophie* to Barataria Bay with a letter to Jean Lafitte, one of the three leaders of a band of pirates infesting that region.

Barataria Bay lay about 60 miles south of New Orleans. Stretching across its entrance was Grand Terre, an island two miles long and a quarter of a mile wide. About a mile to the west of this lay Grand Island, and between the two was a pass about a mile in width affording an easy entrance from the gulf to the harbor of Barataria. Taking possession of Grand Terre, the pirates fortified the islands, built store houses and dwellings, laid out farms and orangeries, and sold the plunder which they smuggled up to New Orleans by various passages.*

It was to this place that Captain Nicholas Lockyer was sent in the *Sophie*. After firing at an inbound vessel and forcing her to run aground, Lockyer dropped anchor about six miles off shore. He then sent to Jean Lafitte a packet containing four documents: the first, a proclamation of Nicholls to the people of Louisiana and Kentucky; the second an address to the Baratarians threatening the destruction of the place if they did not join Great Britain in her war against the United States and put their armed ships under the command of Nicholls; the third, an offer to Jean Lafitte of the rank of captain in the British service and protection to his person and property; and the fourth, instructions from Percy to Lockyer to the effect that, if Lafitte cared to serve England, his ships should be made ready for an attack on Mobile.* After reading the letters, Lafitte gave assurance that he would accept the offer, but asked for two weeks to put his affairs in order.† Lockyer then agreed to return in fifteen days. After his departure, Lafitte gathered up his letters and sent them to an old friend in New Orleans, asking also whether to make overtures to the United States. What advice was given is unknown, but a few days later Lafitte wrote to Claiborne offering his services to defend Louisiana, in reward for which he asked that the proscription against him be stopped by an act of oblivion for all that he had done.‡

Claiborne was in a quandary, for Colonel George T. Ross and Master Commandant Daniel T. Patterson were then engaged in equipping an expedition to destroy Lafitte.‖ On September 11, with three barges full of troops, Patterson dropped down the river, joined by six gunboats and a schooner, and on September 16 cap-

* Latour, *War in West Florida and Louisiana*, p. 12 *et seq.* (The maps accompanying this chapter are based on those of Latour.)

* Latour. *War in West Florida and Louisiana*, pp. 17–19 and App. iii.; Lossing, *War of 1812*, p. 1018; Frost, *Life of Jackson*, pp. 350–351; Parton, *Life of Jackson*, vol. i., pp. 584–585.

† Latour, *War in West Florida and Louisiana*, pp. 19–21 and App. iv.; Parton, *Life of Jackson*, vol. i., p. 587. James (*Military Occurrences*, vol. ii., p. 341) accuses Lafitte of playing a "deep game" with the British officers.

‡ Latour, *War in West Florida and Louisiana*, pp. 21–22 and App. v.; McMaster, vol. iv., pp. 176–178; Frost, *Life of Jackson*, pp. 351–352.

‖ Parton, *Life of Jackson*, vol. i., p. 589.

tured Grand Island and Grand Terre, seven piratical cruisers, and three armed schooners. At Barataria, Patterson spent a week destroying houses, stores and property, and toward the end of the month returned with his prizes to New Orleans. In the meantime, the day appointed for Lockyer's return to Barataria had arrived, but he did not come, his little fleet having been badly worsted at Mobile.*

Percy and his ships had been sent to bombard Fort Bowyer, a battery established by General Wilkinson on a bare sand point, at the entrance to Mobile Bay.† In the fort Jackson had placed 130 men of the 2d United States infantry under Major William Lawrence.‡ The armament of the fort consisted of 20 guns, of which 8 (2 24-pounders and 6 12-pounders) were serviceable.‖ To reduce the fort, Percy took with him the *Hermes*, 22 guns, the *Carron*, 20 guns, and the *Sophie* and *Childers*, 18 guns each. The land force at Percy's command consisted of 60 marines and 120 Indians, with two light field-pieces.§

On September 12 the marines and the Indians were landed on the beach in the rear of the fort and were stationed behind the sand hills.* On the 15th the *Sophie* came to anchor within range of the fort, while the *Carron* and *Childers* anchored so far out that their carronades were useless. The officers of the fort solemnly bound themselves not to surrender until the ramparts had been battered down and the garrison almost destroyed.† For an hour the firing from the ships, the fort, and the battery behind the sand hills was incessant. Then the superior American gunnery began to tell. The cable of the *Hermes* was cut and she was swept slowly down stream by the current. As she went, the Americans raked her from stem to stern. She finally grounded and Percy, fleeing with his wounded to the other ships, set her afire.‡ The *Sophie* now withdrew from the zone of fire and, followed by the *Carron* and the *Childers*, returned to Pensacola, while the

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* McMaster, vol. iv., pp. 178–179.

† For a description of the fort, see Latour, *War in West Florida and Louisiana*, p. 30 *et seq.*

‡ *Ibid*, p. 34; Lossing, *War of 1812*, p. 1019; Frost, *Life of Jackson*, p. 273; Hamilton, *Colonial Mobile*, p. 378. Others say 160 men.

‖ Parton, *Life of Jackson*, vol. i., pp. 601–602.

§ The ship and land forces are as given in Adams, *United States*, vol. viii., pp. 322–323. Adams follows the British account (probably James, *Military Occurrences*, vol. ii., p. 343 *et seq.*). Lossing (*War of 1812*, p. 1020) substitutes the *Anaconda* for the *Childers* and says the land force consisted of 130 marines and 600 Indians. See also Armstrong, *Notices of the War of 1812*, vol. ii., pp. 157–158. A. P. Hayne, Inspector General of the seventh military district, places the force at 100 marines and 300 Indians.—*American State Papers, Indian Affairs*, vol. i., p. 860. Latour (p. 39) gives to the *Hermes* and *Carron* 28 32-pounders each, 18 to the *Sophie* and 16 to the *Anaconda* (which he sustitutes for the *Childers*).

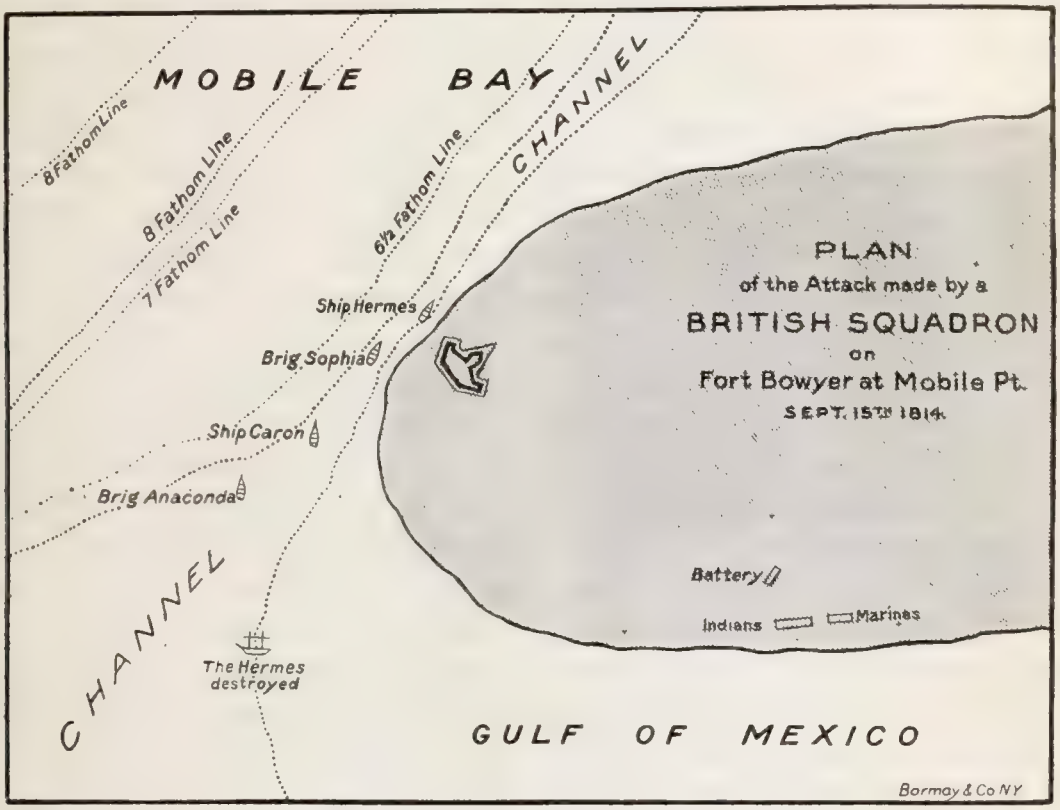
* Though the map (based on Latour's) discloses some discrepancies in the text, it shows the position of the fort and the plan of attack, which are of utmost importance.

† Latour, *War in West Florida and Louisiana*, p. 36; Lossing, *War of 1812*, pp. 1020–1021.

‡ Hamilton, *Colonial Mobile*, p. 379. See also the report in *American State Papers, Indian Affairs*, vol. i., pp. 860–861.

marines and Indians, having put their guns aboard the vessels, went to the same place by land.* The total British loss was 232, of whom 162 were killed,† while the total American loss was 4 killed and 5 wounded.‡

Jackson would have followed to Pensacola, had sufficient troops been at hand, but he was forced to await the arrival of the 2,500 men summoned from Tennessee. On September 21, 1814, greatly pleased by the success at Fort Bowyer, he issued two proclamations, much in the style of that of Nicholls, one addressed to the Louisianians and the other to the free negroes, calling on them to enlist.* While Jackson was waiting at Mobile Monroe at Washington had received warnings from various places that New Orleans would be attacked. On September 25 and October 10, 1814, Monroe wrote to Jackson that a British force consisting of 12,000 or 15,000 men had sailed from Ireland to take Mobile, New Orleans, and the surrounding country. But Jackson, bent on taking Pensacola, ignored the Secretary's letters. On September 9



* Parton, *Life of Jackson*, vol. i., pp. 607–608; Latour, *War in West Florida and Louisiana*, pp. 38–39.

† Latour, *War in West Florida and Louisiana*, p. 40.

‡ Adams, *United States*, vol. viii., pp. 322–324; McMaster, vol. iv., pp. 179–180; Brackenridge, *History of the Late War*, pp. 285–286.

* Parton, *Life of Jackson*, vol. i., pp. 612–615; Latour, *War in West Florida and Louisiana*, App. xvi.–xvii.; Lossing, *War of 1812*, p. 1022; Frost, *Life of Jackson*, pp. 275–277.

he acquainted Monroe with his intention, who, on October 21, forbade the step. He reiterated the warning that the British forces undoubtedly would be directed against Louisiana, but he did not order Jackson to New Orleans, nor did he inform him that arms would be sent there.

Meanwhile the Tennessee brigade under John Coffee had passed through the lower country and on October 25 arrived at Mobile.* The force under Coffee was somewhat in excess of the number required, there being 2,800 men.† At Mobile Jackson had some Mississippi troops, a few Choctaw Indians, and four regiments of United States infantry. With the Tennesseans, he thus had more than 4,000 troops.‡ Despite Monroe's letters, Jackson still paid no attention to New Orleans, but on November 3, with 4,100 men, started for Pensacola.|| Upon his arrival on the 6th, he sent a flag with a message to Manriquez, the Spanish governor, but as the flag advanced the fort opened fire and compelled it to return.§ Jackson thereupon encamped for the night, and discovering that the place was defended by British as well as Spanish soldiers, determined to storm it the next day.* On the 7th, deceiving the Spaniards as to the quarter from which he meant to attack, Jackson divided his force into three columns, marched along the beach so as to avoid the fire of the fort and the shipping, and, approaching the town, ordered the middle column to charge. On entering the principal street a battery of two guns opened fire, but it was carried at the point of the bayonet,† and soon the governor surrendered the town and fort unconditionally.‡ The British abandoned Fort Barrancas on the 6th and blew up the town after it capitulated.|| Jackson remained at Pensacola only two days and by the 11th was back at Mobile, where he remained until November 22, as though in doubt as to his next best course.§

Nothing indicated that Jackson felt anxious about the safety of New Orleans, although the British expedition was then at Jamaica. This indifference greatly alarmed the President and the Secretary of War, and on December 7 and 10 Monroe wrote two letters to Jackson urging him to

* Parton, *Life of Jackson*, vol. i., p. 617.

† Buell (*History of Andrew Jackson*, vol. i., p. 356) says that of these Coffee declined the services of 1,000 because they had families who needed their support.

‡ Lossing, *War of 1812*, p. 1022. Buell (*History of Andrew Jackson*, vol. i., pp. 347–348) makes the total 3,000.

|| Buell (*History of Andrew Jackson*, vol. i., p. 352) says 2,800 men.

§ Latour, *War in West Florida and Louisiana*, pp. 45–46; Frost, *Life of Jackson*, pp. 279–281.

* Parton, *Life of Jackson*, vol. i., p. 619.

† Latour, *War in West Florida and Louisiana*, pp. 47–48.

‡ Lossing, *War of 1812*, pp. 1022–1023; Buell, *History of Andrew Jackson*, vol. i., pp. 353–355; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 159–161.

|| Latour, *War in West Florida and Louisiana*, pp. 48–50; Frost, *Life of Jackson*, p. 282; Parton, *Life of Jackson*, vol. i., p. 622.

§ McMaster, vol. iv., p. 181; Adams, *United States*, vol. viii., pp. 328–330.

proceed with all haste to the defence of New Orleans. But Jackson merely dispatched separate bodies of troops to various parts of the country and proceeded by easy stages to New Orleans, where he arrived on December 2.

If Jackson's conduct could be called negligent, that of the government and the people of Louisiana was shameful. Edward Livingston had no doubt of the genuineness of Lafitte's letters sent to Claiborne and took the lead in calling a meeting of citizens at the Coffee House to consider the danger threatening the city. A committee of safety was chosen, but nothing further was done.* The governor then called a special session of the legislature, but that body neither voted money, raised troops nor adopted a plan of defence, so that when Jackson arrived on December 2 the city was utterly unprepared to defend itself.† The magazines were empty; there was a deficiency of munitions of war, of clothing, and of the requisites of defence; there were no funds or credit, the banks paid no coin, all business was at a standstill, and all confidence was gone.‡ Immediately on reaching New Orleans, therefore, Jackson called for gangs of slaves to erect fortifications in the marshes.* The Baratarians, on a pledge of pardon, offered Jackson their services, which were gladly accepted, to the effective defence of New Orleans.† Besides, Jackson released and armed the convicts in the calaboose, and every person in the community received incessant and pressing intimations of what the indefatigable commander expected of him.‡

Immediately after his arrival, Jackson started to inspect Fort St. Philip on the river 60 miles below.‖ He returned to New Orleans on December 11 and, believing that the British would approach by the river, ordered the erection of works to arrest their advance. He then rode out to Chef Menteur and Lake Pontchartrain on the north, which he thought the next probable point of attack.§ The banks of the Mississippi were fortified, a battery was erected at the Rigolets, or pass leading from Lake Borgue into Lake Pont-

Latour, *War in West Florida and Louisiana*, p. 29. For the resolutions and proclamation of the meeting, see *ibid*, app. xiii.–xiv.; Frost, *Life of Jackson*, pp. 292–296.

† Lossing, *War of 1812*, pp. 1023–1024.

‡ Latour, *War in West Florida and Louisiana*, pp. 52–54.

* Parton, *Life of Jackson*, vol. ii., p. 31.

† Brackenridge, *History of the Late War*, p. 290. In his general orders of January 21, 1815, Jackson said: "The brothers Lafitte have exhibited * * * courage and fidelity and the general promises that the government shall be duly apprised of their conduct."—King, *New Orleans*, p. 207. On February 6, 1815, the President proclaimed their full pardon. Accounts of the services of the Baratarians in defending New Orleans will be found in the *Southern Bivouac* (August 1886); *Magazine of American History* (October, 1883); *The Century* (April, 1883); G. W. Cable, *Creoles of Louisiana;* Julius Chambers, *The Mississippi River*, pp. 245–248 (1910).

‡ King, *New Orleans*, pp. 219–220.

‖ Latour, *War in West Florida and Louisiana*, pp. 54–56; Frost, *Life of Jackson*, p. 305.

§ Parton, *Life of Jackson*, vol. ii., pp. 32–33.

chartrain, a strong battery and a garrison were placed at the mouth of the Bayou St. John, and a flotilla consisting of five gunboats, a schooner, and a sloop was stationed at the bay of St. Louis, 60 miles to the northeast of New Orleans.

Meanwhile the British expedition was approaching the coast. This consisted of 50 of the finest ships of the English navy, armed with 1,000 guns and carrying nearly 20,000 soldiers and sailors. On the transports were some of the regiments that had fought at Bladenburg, Washington and Baltimore, two negro regiments from the West Indies, four regiments that had served under Wellington in the Peninsular campaign, and some Highlanders from the Cape of Good Hope, all under the command of Sir Edward Pakenham.* After landing at Chandeleur Island at the entrance of Lake Borgne on December 10, the troops were at once transferred from the heavy ships to the light ones, and, under convoy of some gunboats, entered the lake, where they beheld six American gunboats drawn up as if to meet them. Lieutenant Thomas A. C. Jones, the commander of the flotilla, decided it best to retire and oppose the entrance of the invaders into Lake Pontchartrain.† On the 12th the schooner *Sea Horse,* in the bay of St. Louis, finding it impossible to escape, was set on fire and blown up.* The other vessels then retired. On the night of December 12 about 980 seamen and marines were embarked on 45 launches and barges to search for the American gunboats. The latter had become becalmed and were compelled by the tide to anchor. On December 14 the British boats overtook the American vessels and, after a sanguinary contest, captured and destroyed them with a loss to themselves of only 17 men killed and 77 wounded.† The American lost 6 killed and 35 wounded.‡ There were now only two public vessels left to dispute the passage of the British up the river — the *Louisiana* (16 long 24's) and the *Carolina* (12 12-pound carronades and 2 long 12's), commanded by Captain Daniel T. Patterson.||

* Gleig, *Campaigns*, pp. 244–245; Parton, *Life of Jackson*, vol. ii., pp. 38–39.

† Lossing, *War of 1812*, p. 1025.

* Cooper, *Naval History*, vol. ii., p. 142; Latour, *War in West Florida and Louisiana*, pp. 59–60; Maclay, *History of the Navy*, vol. ii., pp. 40–41; Roosevelt, *Naval War of 1812*, pp. 343–344; Frost, *Life of Jackson*, p. 308.

† Lossing (*War of 1812*, p. 1026) gives the British force as 1,200 and their loss as about 300 killed and wounded. Frost (*Life of Jackson*, pp. 308–310) also gives these numbers.

‡ Wilkinson's *Memoirs*, vol. i., p. 535; Latour, *War in West Florida and Louisiana*, pp. 57–62 and app. xix.; Jones' report in Fay, *Official Accounts*, pp. 293–295; Maclay, *History of the Navy*, vol. ii., pp. 41–42; Roosevelt, *Naval War of 1812*, pp. 344–346, 459–460; Cooper, *Naval History*, vol. ii., pp. 143–144; Spears, *History of the Navy*, vol. iii., pp. 232–238; Gleig, *Campaigns*, pp. 261–264; James, *Military Occurrences*, vol. ii., p. 349 and app. lxxviii.–lxxxii.

|| Phelps, *Louisiana*, p. 267; King, *New Orleans*, pp. 222–223; Adams, *United States*, vol. viii., pp. 335–336; McMaster, vol. iv., p. 183; the accounts from the Subaltern and Jones quoted in Parton, *Life of Jackson*, vol. ii., p. 41 *et seq.*

News of the disaster reached Jackson as he was returning from his tour of inspection down the river. Within a few hours riders with orders were speeding over the country in every direction. The officer in charge of Fort St. Phillip was directed to hold the fort while a man lived to point a gun.* Expresses were sent to Coffee at Baton Rouge and to Carroll and General John Thomas wherever they might be found on the river, urging them to hasten with all possible speed to New Orleans.† General James Winchester was cautioned to be watchful, to guard the route to Fort Jackson, and to defend Mobile at all hazards.‡ A proclamation to the people of New Orleans was issued asserting that the district must and would be defended, and that every man who did not appear with arms in his hands to dispute the British would be dealt with accordingly.|| At the same time Jackson recommended that the Legislature suspend the writ of habeas corpus, but, finding the Legislature dilatory and inactive, he declared the city under martial law.§ The expresses sent out by Jackson to the various commanders soon brought results. Coffee received the summons on December 17 and set out the next morning with 1,250 men. In two days he had made 120 miles, on the night of December 19 camping with 800 men* within 15 miles of New Orleans having been forced to leave behind those who could not stand the rapid pace.† On November 27 Carroll with the Tennessee brigade left Nashville and arrived at New Orleans on December 21. A battalion of Mississippi volunteers likewise hurried down.‡

Meanwhile the British had lost no time. Their advance had disembarked on the Isle aux Poix in Lake Borgne on the night of December 14, and during the following week 7,000 troops with their equipment were transported in small boats over the 30 miles between the ships and the island.|| As soon as the troops on Isle aux Poix were ready to move, 1,688§ under Colonel William Thornton were dispatched toward the Mississippi. Crossing the lake and passing five miles up the Bayou Bienvenu, they attacked the plantation of Major Gabriel Villeré, capturing the major, his militia and all his family. Villeré, however, escaped to New Orleans and announced the arrival of the enemy,

* Parton, *Life of Jackson*, vol. ii., p. 56.

† Latour, *War in West Florida and Louisiana*, p. 65.

‡ Frost, *Life of Jackson*, p. 311.

|| Parton, *Life of Jackson*, vol. ii., pp. 57–58.

§ Frost, *Life of Jackson*, pp. 317–318; Buell, *History of Andrew Jackson*, vol. i., pp. 377–378; McMaster, vol. iv., pp. 183–184; Adams, *United States*, vol. viii., pp. 336–337; Lossing, *War of 1812*, pp. 1026–1027; Latour, *War in West Florida and Louisiana*, app. xxi.

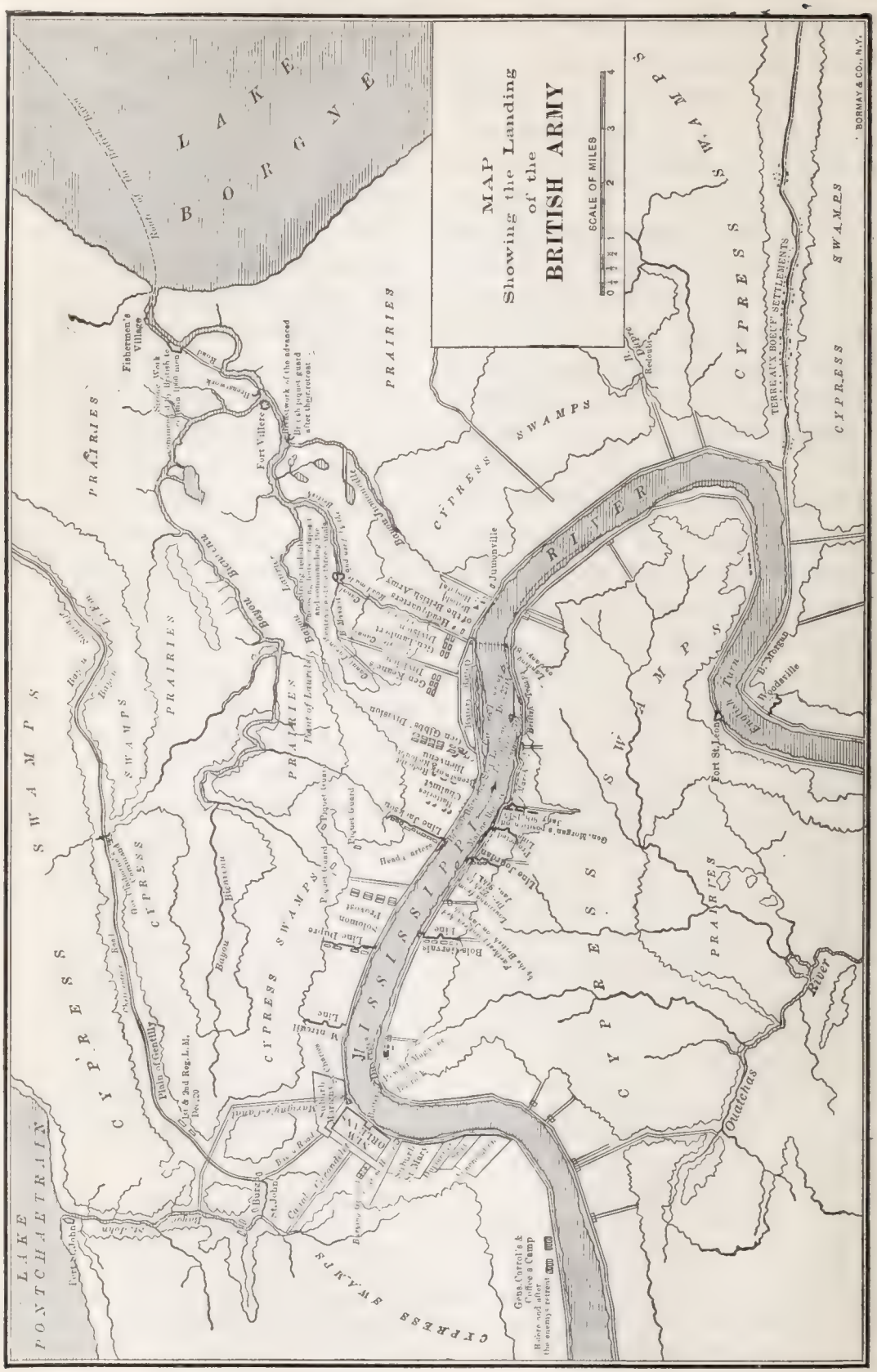
* Eaton, *Life of Jackson*, p. 290.

† Parton, *Life of Jackson*, vol. ii., p. 65.

‡ *Ibid*, pp. 65–66.

|| Gleig, *Campaigns*, pp. 265–267.

§ James, *Military Occurrences*, vol. ii., p. 355. Gleig (*Campaigns*, p. 274) says 1,600; Lossing (*War of 1812*, p. 1028) says 1,800.


MAP
Showing the Landing
of the
BRITISH ARMY
SCALE OF MILES
LAKE BORGNE
LAKE PONTCHARTRAIN
MISSISSIPPI RIVER
CYPRESS SWAMPS
PRAIRIES
Fisherman's Village
Fort Villere
Jumonville
Woodville
Fort St. Leon
TERRE AUX BOEUF SETTLEMENTS
Ouachas
Bayou Bienvenue
Bayou Gentilly
Bayou St. John
Gen. Morgan's Position
Line Jackson
Line Humphrey
Line Butler
Line Dupre
Picket Guard
Redoubt
Gens. Carroll & Coffee's Camp
BORMAY & CO., N.Y.

who were then but six miles from that city.*

It is a mooted question whether the British might not have captured the city if they had attacked it immediately. But, instead of venturing upon such an attempt, Major-General John Keane, the commanding officer, halted his men within pistol-shot of the river and bivouacked in the open. This afforded Jackson an opportunity to show his mettle. At about 2 o'clock on the afternoon of December 23 Major Latour, who had approached within rifle-shot of the British force, reported to Jackson the position and numbers of the enemy,† and on this information the general decided to attack. For this purpose he had about 5,000 regulars, volunteers, and militia, with two 6-pound field-pieces. Besides, at New Orleans lay the *Carolina*, armed with 1 long 12-pounder and 6 12-pound carronades on her broadside.‡ The 16-gun sloop of war *Louisiana* was also at New Orleans, but not ready for immediate action. Thus Jackson had an immense advantage over the 1,700 British troops, since they had only two 3-pounders and rockets.||

Aware of his superiority, Jackson left about half of the force to guard the town and with 2,131 men started at 5 o'clock to annihilate the British detachment.* Jackson was obliged to make his main attack in narrow column along the road. To gain the advantage, therefore, he detached Coffee with over 700 men to skirt the edge of the cypress swamp, wheel to the right, and attack the British flank and rear, while he himself, with 1,400 men and the two guns, struck the British advance on the levee.† The signal for the land attack was to be given by the guns of the *Carolina,* which, as darkness came on, had dropped down the river and anchored close in shore abreast of the British camp. She was to fire seven broadsides and then send up three rockets as the signal for attack.‡ As soon as she was anchored, shortly after 7 o'clock, the *Carolina* discharged a deadly shower of grape among the British soldiers,|| and 10 minutes later Jackson, who was waiting two miles above, began

* Parton, *Life of Jackson,* vol. ii., p. 69 *et seq.;* Gleig, *Campaigns,* pp. 278–279. Lossing (*War of 1812,* p. 1029), however, says that a young Creole had already warned Jackson.

† Latour, *War in West Florida and Louisiana,* p. 88; James, *Military Occurrences,* vol. ii., p. 361.

‡ Roosevelt, *Naval War of 1812,* p. 347. Buell (*History of Andrew Jackson,* vol. i., p. 388) gives different statistics.

|| Adams, *United States,* vol. viii., pp. 343–345.

* Parton, *Life of Jackson,* vol. ii., pp. 74–75. In his official letter Jackson says he had only 1,500, but Latour (p. 105) in a detailed statement makes the total 2,024, besides which Jackson had 107 Mississippi dragoons, who, because they were on horseback, took no part in the action. Buell (*History of Andrew Jackson,* vol. i., p. 376) gives slightly different figures. He says also that altogether the British had 7,000 troops within two hours' march of the scene of battle.

† Lossing, *War of 1812,* pp. 1030–1031; Parton, *Life of Jackson,* vol. ii., p. 85.

‡ Buell, *History of Andrew Jackson,* vol. i., pp. 387–388.

|| Gleig, *Campaigns,* p. 286; Frost, *Life of Jackson,* pp. 328–329; Buell, *History of Andrew Jackson,* vol. i., pp. 389–390.

the advance.* Moving down the road with his regulars and New Orleans volunteers, Jackson struck the British outposts a few minutes before 8 o'clock and drove them back.† Thornton then ordered up the 85th and 95th regiments, 800 rank and file, to support the outposts and thus to check Jackson's advance.‡ In his official report of December 27 Jackson says that a heavy fog arose about 8 o'clock and occasioned some confusion among the different corps. Fearing the consequences of the further prosecution of a night attack with troops then acting together for the first time, he contented himself with lying on the field that night.|| Although the battle was severest where Jackson commanded, it was most successful where Coffee attacked. When the *Carolina* opened fire, Coffee advanced on the British flank, striking it nearly opposite the *Carolina's* position. The British were thus surrounded, and so great became the confusion that at times Coffee found nothing but squads of men gathered about their officers to oppose him.§ Little by little the British were forced back toward the river, finally taking refuge behind a low levee about 300 yards from the river. The thickening fog, the smoke of the battle, and the darkness contributed to the confusion and knots of men in great disorder swept over the field, here advancing, there retreating, firing into friend and foe, and fighting with clubbed weapons, fists and knives.* At last, under the protection of the levee, the British made a stand. At the same time several divisions of the 21st and 93d regiments arrived on the field, whereupon, despairing of further success, Coffee withdrew his men from the scene of conflict.† Keane reported his loss as 46 killed, 167 wounded, and 64 missing, a total of 277.‡ Jackson reported a loss of 24 killed, 115 wounded, and 74 missing, a total of 213.|| General Jackson, as we have seen, lay on the field that night, but at 4 o'clock the next morning fell back to a position about two miles nearer the city, where the swamp and the Mississippi converged most and where his line of advance would,

* King, *New Orleans*, p. 231; Roosevelt, *Naval War of 1812*, pp. 347, 465–466; Cooper, *Naval History*, vol. ii., p. 145; Maclay, *History of the Navy*, vol. ii., pp. 42–44.

† Parton, *Life of Jackson*, vol. ii., pp. 85–91.

‡ Gleig, *Campaigns*, p. 288; Lossing, *War of 1812*, p. 1031.

|| See the report in Fay, *Official Accounts*, pp. 279–281. See also Frost, *Life of Jackson*, pp. 336–338; Latour, *War in West Florida and Louisiana*, p. 100.

§ Roosevelt, *Naval War of 1812*, p. 467; Parton, *Life of Jackson*, vol. ii., p. 91 *et seq.*

* Gleig, *Campaigns*, p. 291 *et seq.*; King, *New Orleans*, pp. 232–233; Lossing, *War of 1812*, p. 1032; Buell, *History of Andrew Jackson*, vol. i., pp. 392–393.

† Frost, *Life of Jackson*, pp. 333–335.

‡ James, *Military Occurrences*, vol. ii., pp. 529–533. See, however, Buell, *History of Andrew Jackson*, vol. i., p. 398.

|| Roosevelt, *Naval War of 1812*, p. 468; Lossing, *War of 1812*, p. 1032 note; Parton, *Life of Jackson*, vol. ii., p. 103.

therefore, be the shortest and most tenable.*

During the day and night of December 24 the British rushed the main body of their troops from the Isle aux Poix across Lake Borgne to the Bayou Bienvenu, and by Christmas morning more than 6,000 men had been concentrated at the Villeré Plantation, with Sir Edward Pakenham and Sir Samuel Gibbs in command. According to British authorities, their precise number on December 25, when Pakenham took command, was 5,040 rank and file. Afterward many more arrived, so that on January 6, 5,913 rank and file, or, including officers, not less than 6,500 Europeans, were encamped at Villeré's plantation. Besides there were two West India regiments numbering 1,043 rank and file, and about 1,200 marines and seamen; so that, deducting 800 men for camp duty, Pakenham could have put in the field a force of 8,000 disciplined troops, well officered and well equipped, to oppose whom Jackson had altogether about 5,000 infantry.†

When Jackson retired from the field of the night battle, he halted his troops about five miles below New Orleans. Between the river and the swamp, the strip of open and cultivated land was narrower than elsewhere. A space of about 1,000 yards alone required strong defence. A shallow, dry canal 10 feet wide (called the Canal Rodriguez) stretched across the plain from the river on one side to the swamps on the other. All day long the troops with the negroes of the neighborhood were busy deepening the canal and throwing up a parapet behind it.* Thus his front was a breastwork nearly a mile long, extending from the river into the swamp until it became impassable, and for the last 200 yards taking a turn to the left. The *Louisiana* descended the river to a point about two miles below Jackson's line, and about a mile below her in her old position opposite the British camp, lay the *Carolina*. Pakenham's first task was to drive away the two ships, since he could not allow his flank to be exposed to the fire of 15 or 20 heavy guns. Accordingly two days (December 25 and 26) were spent dragging 9 field-pieces, 2 howitzers and a mortar across the swamps to the levee.† At dawn of the 27th, as the guns were ready, the British opened with hot

* Frost, *Life of Jackson*, p. 339; Adams, *United States*, vol. viii., pp. 345–352; McMaster, vol. iv., pp. 185–186; Phelps, *Louisiana*, p. 270; Stephen Crane, *The Brief Campaign Against New Orleans, December 14, 1814, to January 8, 1815*, in *Lippincott's Magazine*, vol. lxv., pp. 405–411 (1900); Latour, *War in West Florida and Louisiana*, pp. 89–112 and app. xxiii.–xxv.

† Adams, *United States*, vol. viii., pp. 352–354. See also C. T. Brady, *The True Andrew Jackson*, p. 91 *et seq.*; Charles Francis Adams, *Lee at Appomattox and Other Papers*.

* Latour, *War in West Florida and Louisiana*, p. 113; Lossing, *War of 1812*, pp. 1034–1035. Regarding the story of placing cotton bales in the breastwork, see Parton, *Life of Jackson*, vol. ii., pp. 110–111.

† Gleig (*Campaigns*, p. 310) gives these figures. See also Parton, *Life of Jackson*, vol. ii., pp. 112 *et seq.*, 125.

shot and shell on the *Carolina,* which was soon set afire and destroyed.* The *Louisiana* was next attacked, but, after sustaining a severe fire, she was hauled beyond range and escaped up the river.†

The way was then clear for an advance upon New Orleans, and the naval stores, artillery, and ammunition were brought up from the ships that the grand attack might be made without delay. This delay, though a short one, had enabled Jackson to strengthen his position and to make the needful preparations to impede the British advance. On December 28 the British army moved forward and continued the march for about three miles without halt or hindrance, but suddenly and to his great surprise, Pakenham beheld the half-finished breastworks of Jackson and immediately halted, fell back out of range, and ordered the troops to tent themselves.‡ The seamen were again set to work and guns were dragged through three miles of bog to the British headquarters. The Americans prepared batteries also and the plain in their front was swept by 1 long 32-pounder, 3 long 24-pounders, and 1 long 18-pounder, besides which there were 3 long 12-pounders, 3 long 6-pounders, a 6-inch howitzer and a small brass carronade.* On the west bank of the river, about three-quarters of a mile away, Captain Patterson established a battery of 1 long 24-pounder and 2 long 12-pounders, which covered the British batteries in flank. Thus the Americans possessed 16 guns, 6 of which were heavy pieces of long range. The British had about 30 pieces planted in eight batteries,† the main batteries being about 700 yards from Jackson's lines.

Toward 9 o'clock on the morning of January 1, after the fog had risen, the British opened on Jackson's line with a heavy discharge of shot and a shower of rockets,‡ but after the fire had continued without intermission more than two hours, the precision of the American gunners compelled the British gunners to abandon their batteries and desert their guns.‖ On the other hand, the American works were comparatively uninjured, though three of the American guns, including the 32-pounder, were more

* Cooper, *Naval History,* vol. ii., p. 145; Maclay, *History of the Navy,* vol. ii., p. 44; Roosevelt, *Naval War of 1812,* pp. 347–348, 469; Frost, *Life of Jackson,* p. 355; Parton, *Life of Jackson,* vol. ii., pp. 129–131.

† King, *New Orleans,* pp. 237–238; McMaster, vol. iv., p. 186; Adams, *United States,* vol. viii., pp. 355–356; Maclay, *History of the Navy,* vol. ii., pp. 44–45; Cooper, vol. ii., pp. 145–146; Roosevelt, p. 348; Lossing, *War of 1812,* p. 1035; Latour, *War in West Florida and Louisiana,* p. 118, and App. xxvi.–xxvii.

‡ Roosevelt, *Naval War of 1812,* p. 470; Parton, *Life of Jackson,* vol. ii., pp. 135–141.

* Latour, *War in West Florida and Louisiana,* p. 147 *et seq.* Buell (*History of Andrew Jackson,* p. 418) gives different figures.

† Gleig, *Campaigns,* p. 324; Adams, *United States,* vol. viii., pp. 357–361. See, however, the note in Roosevelt, p. 471.

‡ Latour, *War in West Florida and Louisiana,* p. 132.

‖ Buell, *History of Andrew Jackson,* vol. i., pp. 418–422; Frost, *Life of Jackson,* pp. 360–362; Parton, *Life of Jackson,* vol. ii., p. 156 *et seq.*

or less damaged and two of the artillery caissons were blown up by the British rockets. The American loss was 11 killed and 23 wounded, while the British reported a loss of 76 killed and wounded and two missing between January 1 and 5, most of whom fell in the artillery battle.*

Failing in these attacks and fearing to storm the American line, Pakenham decided to wait an entire week for Major-General John Lambert, then on his way with two fresh regiments. Meanwhile Admiral Cochrane suggested a plan for throwing a force over the river to turn Jackson's line from the opposite bank. Across the Mississippi opposite the British was Patterson's battery, and against this the British now prepared to move. Cochrane suggested that the draining canal in the rear of the Villeré plantation be deepened and extended to the river without the knowledge of the Americans. Thus boats might be floated to the back of the levee, dragged over its top, and launched on the Mississippi. Troops were then to be sent across to silence the battery, while the army in three columns, unhindered by the fire on their flank, fell upon Jackson's line.† The work was begun on January 4 and not until late on January 6, when it was completed,* did Jackson suspect the movement. On that day Lambert's division arrived.†

The west bank was practically undefended when Jackson first heard that the British were about to occupy it. The guns of Patterson's battery were not in position to cover their own bank against attack from below. Major Latour had been engaged in laying out lines of defences on the west bank, but nothing had yet been completed. About a mile below the line of Jackson's work a bastion had been raised close to the river and near it a small redan or salient had been constructed, but this work was untenable in case of an attack from flank or rear. It was occupied by 550 Louisiana militia in command of Colonel David Morgan. On the afternoon of January 7, after the British plan had been surmised, Morgan mounted 2 6-pounders and 1 12-pounder on his lines, and late the same evening Jackson ordered 400 men of the Kentucky division to reinforce Morgan. They were to go to New Orleans first to obtain muskets, but upon their arrival there found only about 200 muskets, and as a result not more than 250 armed men, weary with marching and faint from hunger, reached Morgan's headquarters on the morning of January 8.‡

* Gleig, *Campaigns*, pp. 318, 325–326; Lossing, *War of 1812*, pp. 1038–1041; King, *New Orleans*, pp. 239–243; Adams, *United States*, vol. vii., pp. 361–366; McMaster, vol. iv., pp. 186–187; James, *Military Occurrences*, vol. ii., p. 370; Roosevelt, *Naval War of 1812*, pp. 471–473, Latour, *War in West Florida and Louisiana*, p. 135.

† Roosevelt, *Naval War of 1812*, p. 475.

* Gleig, *Campaigns*, p. 329.

† Lossing, *War of 1812*, p. 1041; Parton, *Life of Jackson*, vol. ii., p. 170 *et seq.*

‡ Parton, *Life of Jackson*, vol. ii., pp. 177–178.

Thus Morgan had less than 800 men with which to oppose whatever force the British might send to the attack.*

Just as the Kentuckians arrived in Morgan's redoubt, the British on the eastern shore were forming to begin the assault. On the night of the 7th Pakenham detached about 1,200 men in command of Colonel Thornton† to cross the river and carry the American works there. Having effected this, Thornton was to signal his success and then Generals Gibbs and Keane were to make their attack.‡ But Colonel Thornton was long in getting the boats afloat, and dawn had come before the first detachment of about 350 men had pushed off from the levee.‖ Swept down by the current, the men landed about 6 o'clock far below the battery and formed as rapidly as possible. Meanwhile on the eastern bank Pakenham had drawn up his troops and was impatiently waiting for the first sound of Thornton's attack. As no signal came and fearing every moment's delay, Pakenham decided to begin the assault immediately. A rocket went up from the edge of the swamp, a single cannon answered from the American line, and then the artillery opened with a roar.

The arrangements made by Pakenham for the assault were simple. Six of the 18-pound guns were mounted in battery, about 800 yards from the American line, to cover the attack. After Thornton's corps had been detached, the army was organized into three divisions, one of which, under General Gibbs, was to attack Jackson's left, a second under General Keane to attack along the riverside, and a third, the reserve, to be in command of Major-General Lambert.* The principal attack was to be made by Gibbs, commanding about 2,200 rank and file.† Keane had about 1,200 rank and file, while the reserve consisted of about 1,200 troops with the 200 artillerists and 500 troops of the West India companies. Thus, of the whole British force, 5,300 were to assault Jackson's lines, 1,200 were to cross the river and assault Morgan, and the rest were assigned to various duties.‡

To repel this assault, Jackson's numbers were the smallest element. His line of defence ran along the inner ridge of the Rodriguez canal, from the river bank to the woods, and thence to the swamp. On the plain it

* Adams, *United States*, vol. viii., pp. 367–371; Roosevelt, *Naval War of 1812*, pp. 477, note, 479.

† Buell (*History of Andrew Jackson*, vol. ii., p. 4) says only 980 men.

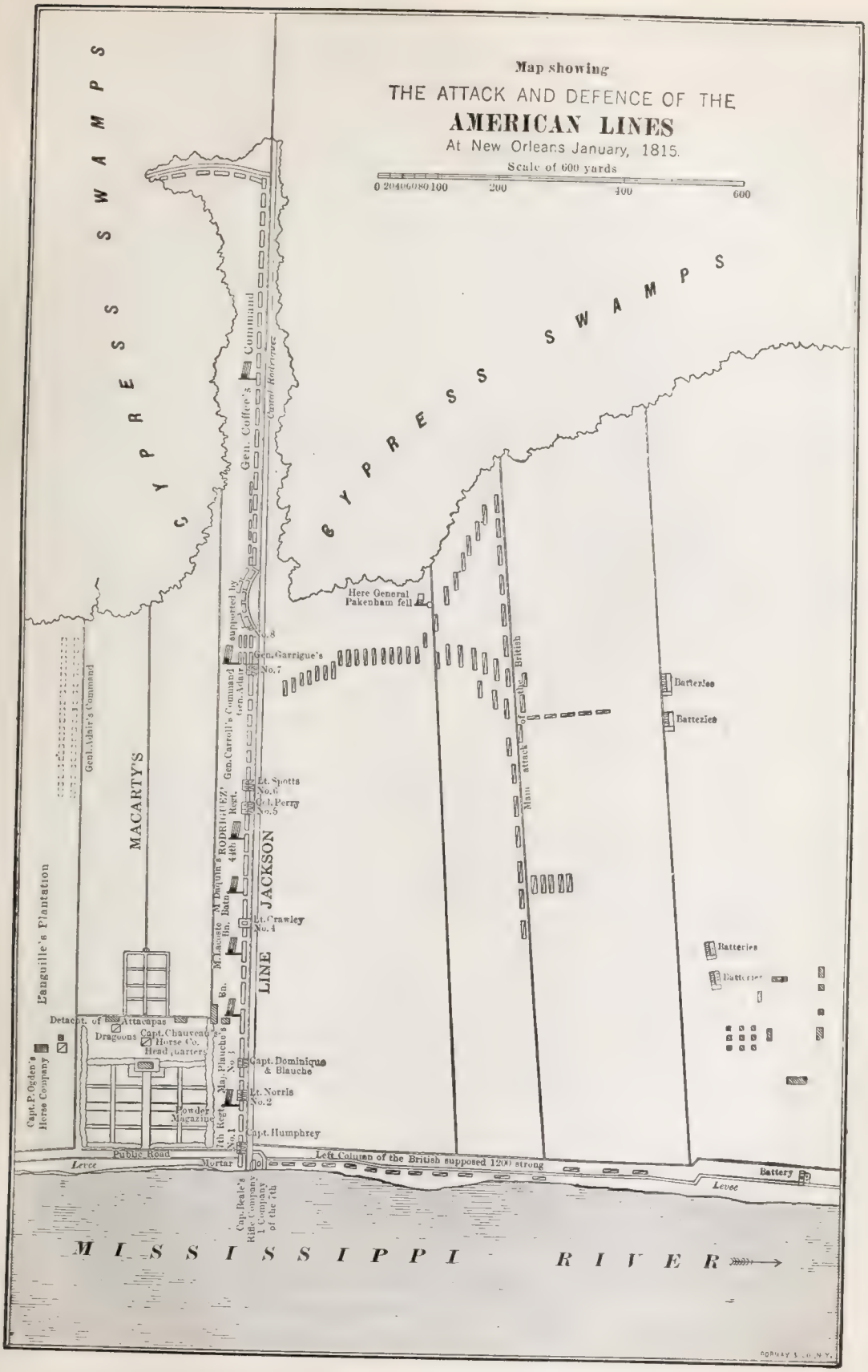
‡ Lossing, *War of 1812*, p. 1042.

‖ Armstrong, *Notices of the War of 1812*, vol. ii., p. 170.

* Gleig, *Campaigns*, pp. 330–332.

† Parton, *Life of Jackson*, vol. ii., pp. 189–190. Gleig (*Campaigns*, p. 331) states this a little differently.

‡ Roosevelt (*Naval War of 1812*, p. 476) makes the number of men 8,453 and, adding 13.3 per cent. for officers and others, a total of 9,600. Buell (*History of Andrew Jackson*, vol i., pp. 431–432) places the total force facing Jackson at 10,084, divided as follows: column of first attack under Gibbs, 2,392; column to support a second attack, under Keane, 2,660; reserve under Lambert, 5,032.


Map showing
THE ATTACK AND DEFENCE OF THE
AMERICAN LINES
At New Orleans January, 1815.
Scale of 600 yards
0 20 40 60 80 100 200 400 600
CYPRESS SWAMPS
CYPRESS SWAMPS
Gen. Coffee's Command
Canal Rodriguez
Here General Pakenham fell
Gen. Garrigue's No. 7
Gen. Carroll's Command supported by Gen. Adair No. 8
Gen. Adair's Command
MACARTY'S
Lt. Spotts No. 6
Lt. Perry No. 5
Lt. Crawley No. 4
Capt. Dominique & Blauche
Lt. Norris No. 2
Capt. Humphrey
LINE JACKSON
Main attack of the British
Batteries
Batteries
Batteries
Batteries
Batteries
Battery
Languille's Plantation
Detacht. of Dragoons
Attacapas
Capt. Chauveno's Horse Co. Head Quarters
Powder Magazine
Capt. P. Ogden's Horse Company
Public Road
Levee
Mortar
Left Column of the British supposed 1200 strong
Levee
Cap. Beale's Rifle Company 1 Company of the 7th
MISSISSIPPI RIVER

was a rude, uneven earthwork, sufficiently high to require scaling, and the mud in front of which was so slippery as to afford little footing. The earthwork in the woods was a double row of logs, two feet apart, filled in with earth. Behind the line were gathered as motley an array of men as ever fought under one banner, consisting of sailors, regulars, a battalion of Louisiana Creoles in gay uniforms, Dominique You and Baluche with the swarthy crews of their pirate ships, a battalion of negroes, a battalion of San Domingans, some old French soldiers, Carroll's Tennesseeans in brown homespun hunting-shirts, John Adair and his Kentuckians, and last of all, standing knee deep in the water of the swamp, Coffee's brigade of 800 Tennesseeans. The centre of Jackson's line was defended by Carroll's brigade of 1,414 men, and the right near the river by 1,327 men, including all the regulars, while Adair's Kentucky brigade of 325 men was held in reserve.* Besides the 3,025 men on the breastwork and those in reserve, Jackson had 12 field-pieces distributed along the line and covering every portion of the plain. On the opposite shore was Patterson's battery containing 3 24-pounders and 6 12-pounders, which covered the levee by which the British left must advance. Such a force was sufficient to repulse 10,000 men if the attack were made in broad daylight.*

About 6 o'clock on the morning of the 8th the British columns advanced against the American works. The column under Gibbs came under fire first. It advanced near the swamp in close ranks, with 60 men in front. This part of the line was defended by the Kentucky and Tennessee riflemen. About 400 yards in front of the breastwork was a ditch, and behind this the British, loaded down with knapsacks, scaling ladders and fascines, formed for the attack. As the single rocket shot into the air, the British troops, cheering lustily, moved forward to the slaughter.† Two of the American batteries (Nos. 7 and 8) opened upon them.‡ Coming within 150 yards of the American line, the British column obliqued to the left so as to avoid the fire of the battery directly in face. Veterans though they were, the fire poured upon them was too great; the men faltered and halted and began a confused musketry fire. A few platoons advanced to the edge of the ditch and then broke, fleeing back to the ditch

* Adair claimed that the Kentuckians numbered 1,000. Roosevelt (pp. 476, note, 478) makes the total on the east bank 4,700. Buell (*History of Andrew Jackson*, vol. i., pp. 426–428) makes the total on both banks and in reserve 5,094, which differs only slightly from the official reports of January 10, which place the aggregate at 5,045.

* Adams, *United States*, vol. viii., pp. 372–374; McMaster, vol. iv., p. 188; Lossing, *War of 1812*, pp. 1042–1043.

† Frost, *Life of Jackson*, pp. 373–374.

‡ Buell, *History of Andrew Jackson*, vol. ii., pp. 12–13. Parton (*Life of Jackson*, vol. ii., p. 195) say three batteries, nos. 6, 7, 8.

1. ANDREW JACKSON AT THE BATTLE OF NEW ORLEANS.
2. DEATH OF GENERAL PAKENHAM.

whence they had come.* Other reinforcements were received and a new column started forward on the run, but this, too, recoiled. Pakenham, whose courage was inferior to that of none of his compeers, strenuously endeavored to rally the panic-stricken and disheartened troops. Waving his hat and calling on them to follow, he persuaded the troops to attack again, but reached the edge of the ditch only to fall in front of his men.† Soon after General Gibbs was mortally wounded.‡

Meanwhile, far on the left, some West Indians had made an attack, but they, too, had been repulsed. Far on the edge Keane's column had moved along the road between the river and the levee, pressing forward in solid column, but greatly annoyed by Patterson's battery on the west bank. The column had charged a redoubt a few yards in front of the line and were rushing forward to storm the main breastwork when the concentrated fire of the whole American right opened upon them and almost immediately drove the column back in disorder.|| A few of the men, mounting on one another's shoulders, succeeded in entering the works, but only to be overpowered by numbers.* After the enemy had been repulsed with frightful slaughter from the main works, the small battery in front of the lines was captured. "It was in vain," says Gleig, "that the most obstinate courage was displayed. They fell by the hands of men whom they absolutely did not see; for the Americans, without so much as lifting their faces above the rampart, swung their firelocks by one arm over the wall, and discharged them directly upon their heads. The whole of the guns, likewise, from the opposite bank, kept up a well directed and deadly cannonade upon the flank; and thus were they destroyed without an opportunity being given of displaying their valor, or obtaining so much as revenge."† Major-General Keane being severely wounded, the command of the army passed to Major-General Lambert, who instantly withdrew the troops.

Meanwhile Colonel Thornton's men had crossed the river so slowly that when the assault on Jackson's line began he had but 600 rank and file.‡ Nevertheless, with the support of

* Buell, *History of Andrew Jackson*, vol. ii., pp 13–22; Parton, *Life of Jackson*, vol. ii., p. 196.

† King, *New Orleans*, pp. 247–248; Roosevelt, *War of 1812*, p. 282; Lossing, *War of 1812*, pp. 1044–1046; Buell, *History of Andrew Jackson*, vol. ii., pp. 22–24.

‡ Parton, *Life of Jackson*, vol. ii., p. 198.

|| King, *New Orleans*, p. 245; Lossing, *War of 1812*, pp. 1046–1048.

* Buell, *History of Andrew Jackson*, vol. ii., pp. 30–31; Parton, *Life of Jackson*, vol. ii., pp. 200–201.

† *Campaigns*, p. 335. See also Latour, *War in West Florida*, pp. 153–164 and app. xxix., lxvi. Lossing (p. 1046) says that, of the 900 men of the 93d with 25 officers who went into the fight, only 130 men and 9 officers could be mustered at its close.

‡ Regarding the number see Roosevelt, *Naval War of 1812*, p. 484; Buell, *History of Andrew Jackson*, vol. ii., p. 36.

three gunboats, Thornton attacked Morgan's line, routed it, turned the redoubt and advanced on Patterson's battery of heavy guns. In the attack on Morgan's line Thornton was wounded, but his troops advanced against Patterson, compelled him to spike his guns, and pushed their way up the river a mile behind Jackson's line.* The British loss was nearly 70 killed and wounded.† Jackson was helpless. All he could do was to watch the progress of Thornton's column on the opposite shore. Had the enemy pressed their advantage, Jackson would have been compelled to sacrifice his lines; but, fortunately, Lambert withdrew his troops without another effort, and Jackson was safe.‡ Thornton's force was recalled from the other side of the river, as it was deemed impossible to hold that post.||

The total British loss is variously stated. So dreadful a carnage, considering the length of time and the numbers engaged, has seldom been recorded, for on the field of battle lay about 2,000 British dead and wounded, while the American loss altogether was only 71. According to Adams, the total loss was 2,036.§

After the battle Lambert's position was critical, but fortunately, Jackson contented himself with checking his advance. A flag of truce was dispatched by the British commander with proposals to bury the dead, and a truce of two days was arranged for that purpose.* Lambert then took immediate measures to effect his escape from his perilous position. The sick and wounded, together with whatever baggage and ammunition could be spared, were sent on board the vessels. He kept up a menacing attitude, however, and artillery fire was indulged in until the night of January 18, when the whole British army silently withdrew to a fortified position at the mouth of the bayou. There the army remained until January 27, when it was reëmbarked in the ships off Chandeleur island.†

* Latour, *War in West Florida and Louisiana*, p. 165 *et seq.* and App. xxix., lxvi.; Frost, *Life of Jackson*, pp. 383–385; Gleig, *Campaigns*, pp. 336–339.

† Adams, *United States*, vol. viii., pp. 377–379; McMaster, vol. iv., p. 189; Parton, *Life of Jackson*, vol. ii., pp. 213–217.

‡ Lossing, *War of 1812*, pp. 1048–1049.

|| Buell, *History of Andrew Jackson*, vol. ii., p. 38.

§ Adams, *United States*, vol. viii., pp. 379–381. Roosevelt (pp. 483, 485–486) says the same as does Gleig (*Campaigns*, p. 343). Buell (*History of Andrew Jackson*, vol. ii., p. 33) says the actual casualties by gunshot were something over 3,000. On p. 41 Buell gives the casualties as follows: killed on the field, 381; died of wounds, 477; total killed, 858; wounded and permanently disabled (discharged), 1,251; wounded and temporarily disabled (returned to duty), 1,217; total, 2,468; grand total, 3,326. See also Parton, *Life of Jackson*, vol. ii., p. 209 *et seq.*; James, *Military Occurrences*, vol. ii., p. 388.

* Frost, *Life of Jackson*, pp. 389–391; Parton, *Life of Jackson*, vol. ii., p. 233.

† In addition to the authorities already cited on the battle of New Orleans, see Alexander Walker, *Jackson and New Orleans* (1856); *Civil and Military History of Andrew Jackson* (1825); Dawson, *Battles of the United States*, vol. ii., p. 309; Cullum, *Campaigns of the War*, chap. viii.; P. M. Davis, *Official and Full Detail of the Great Battle of New Orleans* (1836); *An Authentic Narrative of the Memorable Achievements of the American Army before New Orleans* (1856); *Memoirs of Admiral Codrington*, chap.

PLAN OF THE BATTLE OF NEW ORLEANS, DRAWN BY ANDREW JACKSON.

Meanwhile the British fleet on the coast was inactive. On the day of the battle a squadron entered the river with the intention of reducing the works at Fort St. Philip, ascending the river, and coöperating in the attack on the city. The *Herald, Sophie* and *Tender,* with two bomb-vessels, began the bombardment of the fort on January 11 and continued it with little interruption until January 18. At the end of this time, finding that no serious impression had been made, they dropped down the river and put to sea.*

Still the British seemed loath to depart without striking another blow. Having been reinforced by 1,000 fresh soldiers, Lambert decided to attack Fort Bowyer. At daylight on the morning of February 8 a brigade and a heavy battering train were disembarked in the rear of the fort and began the bombardment. In the fort were 360 men under command of Lieutenant-Colonel William Lawrence. As his force was not sufficient to withstand the British attack, Lawrence had no choice but to capitulate, which he did on February 11.*

Though the British had departed, Jackson did not relax his vigilance and discipline, but vigorously maintained martial law. Rumors of peace soon arrived, but Jackson refused to be governed by rumors and not until early in March of 1815, when official word came from Washington, did he consent to change the routine of his camp. By that time he had become involved in a dispute with the civil authorities. On March 3 Louis Louaillier, a member of the Legislature, wrote an article in one of the local papers criticising some of Jackson's orders and urging that martial law be abolished. Considering the publication seditious, Jackson ordered Louaillier's arrest, but Judge Dominic A. Hall of the district court issued a writ of *habeas corpus* in favor of the offender. Thereupon Jackson convened a court-martial to try Louaillier and ordered the arrest of Hall and his expulsion beyond the limits of the city. He also sent an officer to obtain from the clerk of the court the original writ of *habeas corpus.* Louaillier was acquitted of the charges brought against him, but was kept in jail until the official notification of peace was received. On

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vii.; R. H. Burgoyne, *Historical Records of the 93d Sutherland Highlanders* (London, 1883); J. H. Cook, *Narrative of Events in the South of France and of the Attack on New Orleans in 1814–15* (London, 1834); Richard Trimen, *Regiments of the British Army* (London, 1878); Stephen Crane, *The Brief Campaign Against New Orleans,* in *Lippincott's Magazine,* vol. lxv., pp. 405–411 (1900); *A Concise Narrative of Gen. Jackson's First Invasion of Florida and of His Immortal Defence of New Orleans* (by Aristides, the pseudonym of William P. Van Ness).

* Lossing, *War of 1812,* pp. 1050–1051; Adams, *United States,* vol. viii., pp. 382–383; Latour, *War in West Florida and Louisiana,* pp. 187–197 and app. xxxiv.

* Latour, *War in West Florida and Louisiana,* pp. 207–216 and app. xxxix; Roosevelt, *Naval War of 1812,* p. 488; Frost, *Life of Jackson,* pp. 400–401; Hamilton, *Colonial Mobile,* pp. 382–383; Parton, *Life of Jackson,* vol. ii., pp. 259–269.

March 22 the district court required Jackson to show cause why he should not be punished for contempt of court in taking away the original writ, disobeying the writ, and imprisoning the judge. Jackson refused to answer save by a general vindication and was fined $1,000. In 1843, however, this fine, with interest (total $2,700) was refunded by Congress.*

CHAPTER XXV.

1812-1815.

THE NEGOTIATIONS FOR PEACE.

Russia's offer to mediate and England's final determination to negotiate — Terms demanded by the British and the Canadians — Castlereagh's instructions — Rejection of the British demands — British concessions — Effect of American victories on British demands — Wellington's advice — Disputes among American commissioners — Final conferences and acceptance of articles — Terms of the treaty. Appendix to Chapter xxv — Principal articles of the Treaty of Ghent.

Early in the war, as we have seen, Russia had tendered her good offices as mediator between Great Britain and the United States. In 1812 Napoleon had declared war on Russia; by August 18 he had taken Smolensk; on September 6 had fought the battle of Borodino; and on the 14th entered Moscow. But hard pressed as he was, Emperor Alexander I. found time to think of the United States; and at the very moment when the French were in the heart of his own dominions he instructed his chancellor, Count Nicholas Roumanzoff, to ascertain from John Quincy Adams, then minister to Russia, if mediation on his part would be acceptable to the United States. Adams replied favorably, but thought England should be consulted first. As Roumanzoff had already consulted the British minister (who had written to London) and as he considered Adams' reply favorable, he drew up a proposal and sent it off to Washington without waiting to hear from England. The dispatch was communicated to Monroe on March 8, 1813, by André Daschkoff, the Russian chargé, and the offer was formally accepted by the President.† Adams was thereupon appointed envoy extraordinary and minister plenipotentiary to conclude a treaty of peace with England under the

* Ingersoll, *History of the Second War*, 2d series, vol. ii., pp. 242–262; Benton, *Thirty Years' View*, vol. ii., pp. 499–502; Phelps, *Louisiana*, pp. 279–283; Parton, *Life of Jackson*, vol. ii., chaps. xxii–xxiii.; Sumner, *Andrew Jackson*, pp. 45–47; Lossing, *War of 1812*, pp. 1053–1054; *Niles' Weekly Register*, vol. viii., pp. 246, 272; vol. lxii., pp. 212, 326; vol. lxiii., p. 312; vol. lxiv., p. 61; Charles Dimitry, in *Magazine of American History* (May, 1886); Cyrus T. Brady, *The True Andrew Jackson*, pp. 44–48; Buell, *History of Andrew Jackson*, vol. ii., pp. 55–58, 89–94.

† *American State Papers, Foreign Relations*, vol. iii., p. 624; *Diary of J. Q. Adams*, vol. ii., p. 401.

auspices of Russia; and two other envoys (James A. Bayard and Albert Gallatin) were sent.* The essence of their long instructions was to conclude no treaty which did not contain provisions against impressment and the right of search.†

While Bayard and Gallatin were still on the sea, the situation in Europe became complicated; for Castlereagh had informed the Russian minister that the proffered mediation could not be accepted. When Adams called upon Roumanzoff to inform him of the appointment of Bayard and Gallatin, England's action was made known to him.‡ But Roumanzoff said he would ask the czar's permission to renew the offer of mediation. Adams reported this conversation to the American government on June 26;‖ but before permission to renew the offer of mediation had been received, Bayard and Gallatin arrived at Gottenburg. The news of their arrival shortly reached London and seems to have caused Castlereagh considerable uneasiness. On July 5 he wrote to Lord Cathcart saying that the offer of mediation, however kindly and liberally intended, would have the unfortunate effect of protracting the war with the United States, since by enabling the President to hold out to the people of the United States a vague expectation of peace, he might reconcile them to whatever measures he proposed. After a week's reflection, however, Castlereagh sent Cathcart new instructions, dated July 13, directing him to inform the czar that England was ready to meet and treat with the American plenipotentiaries, provided the discussions be carried on where it would be impossible for a third power to interfere.*

Castlereagh's refusal to accept the mediation was given to Count Lieven, the Russian ambassador, in May; it reached St. Petersburg about the middle of June, and was immediately sent by Roumanzoff to the czar (then with the army of the allies at Gitschin, Bohemia, 900 miles from St. Petersburg). No sooner did this reach him (early in July) than came Roumanzoff's note stating that his mediation had been accepted by the American government and asking whether the offer of mediation should be renewed on the arrival of the American commissioners.† Alexander thereupon bade Roumanzoff write to London renewing the offer, who hastened to obey the czar's directions. Thus Gallatin and Bayard found themselves condemned to wait two or three months for the British answer, which they knew must be unfavorable; since

* Hunt, *Life of Madison*, p. 355.

† Stevens, *Albert Gallatin*, p. 312; McMaster, vol. iv., pp. 256–257; Madison's *Works* (Congress ed.), vol. iii., p. 566. Their instructions will be found in *American State Papers, Foreign Relations*, vol. iii., pp. 695–700.

‡ *Diary of John Quincy Adams*, vol. ii., p. 479.

‖ *American State Papers, Foreign Relations*, vol. iii., p. 627.

* McMaster, vol. iv., pp. 257–258; Adams, *United States*, vol. vii., pp. 340–342.

† Adams, *United States*, vol. vii., pp. 345–348.

on the 17th Gallatin received a letter from Alexander Baring announcing Castlereagh's determination to negotiate separately.* Before instructions could be sent to Lieven, Castlereagh's letter announcing the willingness of England to treat directly with the United States reached Cathcart at the czar's headquarters in Bohemia. This was the most critical moment of the European war. On that day the armistice expired and a new campaign was about to begin. Therefore Cathcart did not communicate the contents of his dispatches to Count Nesselrode before September 1, after the allies had been beaten and Alexander had fled to Töplitz. The ambassador said that, although he was not able to accept Russian mediation, the prince regent desired to see the beneficent wishes of Alexander carried into effect; and as he heard that the American plenipotentiaries had arrived in Russia, he was ready to nominate ministers to treat directly with them at London or at Gottenburg.† Neither the czar nor Nesselrode communicated Cathcart's note to Roumanzoff, and hence the American commissioners were in ignorance of the attitude of the British government. Toward the end of September Alexander received a communication from Roumanzoff containing a renewal of the mediation offer to be dispatched to Lieven at London. On August 28, though only a fortnight since he had received Cathcart's official note, Alexander wrote to Roumanzoff approving the dispatch to Lieven and begging him to follow up the affair.* Cathcart knew nothing of the czar's second letter to Roumanzoff (dated September 20) and Nesselrode was equally ignorant of it. The czar's motive in directing his two ministers to act in ignorance of and in conflict with each other's instructions was perplexing. Roumanzoff became aware of this perplexity when Lieven refused to present to Castlereagh his note of August 28 renewing the offer of mediation. The revelation greatly mortified Roumanzoff, who immediately sent Lieven's dispatch to the czar without comment, requesting him to read it and to give his instructions.†

A copy of Cathcart's note to Nesselrode was sent to London and, under cover of another dated November 4, by Castlereagh to Monroe at Washington.‡ This letter was received by the President on January 3, 1814, and on the 5th the overture was formally accepted.|| On January 6 Madison sent a message to Congress transmitting copies of the letter,§ and on the 8th instructions were sent to Bay-

* Gallatin's *Writings*, vol. i., pp. 547–548. For Gallatin's answer, see pp. 564–567.

† *American State Papers, Foreign Relations*, vol. iii., pp. 621–622.

* *Diary of J. Q. Adams*, vol. ii., p. 531.

† Adams, *United States*, vol. vii., pp. 348–354.

‡ *American State Papers, Foreign Relations*, vol. iii., p. 621.

|| *Ibid*, pp. 622–623.

§ Richardson, *Messages and Papers*, vol. i., p. 542.

ard and Gallatin at St. Petersburg bidding them go to Gottenburg.* But Bayard and Gallatin had already left St. Petersburg for Amsterdam on January 25, reaching there on March 4.† On their journey across northern Europe the envoys were impressed with the popularity of England and the spirit of opposition to France. When they entered London the people were wild with joy over the capture of Paris and the downfall of Napoleon. America seemed to be the only part of the world where British authority was defied, and the press of England unanimously demanded that the United States be thoroughly chastised before terms of peace were discussed, that she might be taught that she could not with impunity make war upon the ruler of the seas.‡ As to the terms of peace, the papers demanded that the United States be interdicted the fisheries, that Spain be supported in recovering Florida, and that the right of impressment must be conceded. Great Britain was to be given the right to search American vessels for British subjects; Louisiana must be given up; Americans were not to be allowed to catch or dry fish on the coasts of Nova Scotia, Labrador, Newfoundland or the Magdalen Islands; a large part of Maine must be given up and control of the St. Lawrence vested in Canada by the surrender of a strip of land in New York north of a line drawn from Plattsburg to Sackett's Harbor; troops were to be withdrawn from the Northwest; the eastern bank of the Niagara must be ceded and an Indian territory formed reaching from Sandusky to the Kaskaskia.*

So unreasonable did these demands seem to Gallatin that toward the middle of June he wrote a despondent letter regarding them to Monroe, saying that under the existing unpropitious circumstances he did not believe that by continuing the war America could compel Great Britain to yield any of the maritime points in dispute and particularly to agree to any satisfactory arrangement on the subject of impressment. He thought the most favorable terms that could be expected were the *status ante bellum.*† Just then Emperor Alexander visited London. Gallatin called upon him in the hope that Russian influence might moderate the British demands, but received little encouragement.‡ A

* *American State Papers, Foreign Relations*, vol. iii., p. 701.

† Gallatin's *Writings*, vol. i., p. 600; Stevens, *Albert Gallatin*, pp. 316–323; McMaster, vol. iv., pp. 259–260.

‡ For the criticisms and abuse of the English press, see Adams, vol. vii., p. 356 *et seq.* and vol. ix., p. 1 *et seq.*

* See Madison's letter to Jefferson October 14, 1814, Madison's *Works* (Congress ed.), vol. ii., p. 589; McMaster, vol. iv., p. 261; Adams, *United States*, vol. ix., pp. 6–8.

† Stevens, *Albert Gallatin*, p. 328; Adams, *Life of Gallatin*, p. 514. See also Gallatin's *Writings*, vol. i., pp. 611–613, 627–629.

‡ Stevens, *Albert Gallatin*, p. 327; Adams, *Life of Gallatin*, p. 514; Babcock, *Rise of American Nationality*, pp. 174–175. For Gallatin's note to the Emperor, see Gallatin's *Writings*, vol. i., pp. 629–631.

few days later Bayard and Gallatin set off for Paris, where they joined the other members of the commission.

For the work of negotiating the peace treaty Madison had nominated and the Senate had confirmed John Quincy Adams, Albert Gallatin, James A. Bayard, Henry Clay, and Jonathan Russell, the newly appointed minister to Sweden. The first three were already in Europe and Clay and Russell set sail on February 27, reaching Gottenburg soon after.* Castlereagh, however, delayed the negotiation six weeks after the American commissioners assembled at Ghent.† His instructions to the British representatives reflected the demands of the press. They offered not the *status ante bellum* (the state before the war) but the *uti possidetis* (the state of possession). This latter condition was likely to cost the Americans dearly, since half of Maine between the Penobscot and the Passamaquoddy, the northern part of New York, Vermont and New Hampshire, Fort Niagara, and Michillimackinac (or Mackinaw) were in the hands of the British, with possibly New Orleans and Mobile soon to follow. Besides, the Americans were to admit at the very outset as a *sine qua non* for any negotiation that England's Indian allies, the Northwestern tribes, should be included in the pacification and that a definite boundary be assigned to them under a mutual guarantee from both powers. Eastport or Moose Islands and the fishing privileges were to be regarded as British.* With these instructions (of July 28), the British commissioners (Lord Gambier, Henry Goulbourn and William Adams) early in August started for Ghent, which had been selected as the meeting place in preference to Gottenburg.

On August 8 the first conference took place. After credentials had been presented and the usual ceremonies were over, Goulbourn announced that the British commissioners were authorized to discuss only four things: First, impressment, and in connection with it the king's rights to the allegiance of native born British subjects; second, the Indian boundary line and the admission of the Indians to a general pacification — a *sine qua non;* third, a revision of the Canadian boundary; and fourth,

* Hunt, *Life of Madison*, p. 356.

† In a letter to his father on October 27, 1814, J. Q. Adams says: "The whole compass of the diplomatic skill employed by the British Government in this negotiation has consisted in consuming time, without coming to any conclusion. * * * Their first dilatory proceeding was to defer the appointment of their Commissioners until official notification should be given them, by the American ministers themselves, that they were at the place of meeting which had been agreed upon. One full month was gained by this. The next device was, to propose the transfer of the negotiation to Ghent, which absorbed six weeks more; and then they left us from the 24th of June to the 6th of August waiting here for the appearance of their Plenipotentiaries."—Madison's *Works* (Congress ed.), vol. ii., p. 597, See also the letter of the envoys to Secretary Monroe, October 25, 1814, *American State Papers, Foreign Relations*, vol. iii., pp. 710–711.

* Adams, *United States*, vol. ix., pp. 9–10.

the fisheries.* Goulbourn said that in revising the Canadian boundary the British were not attempting to acquire territory and that, though depriving the Americans of the right to fish in British waters, they had no desire to deny their right to fish in the deep sea.† The American commissioners replied on August 9 that they had no instructions regarding the fisheries or the Indians, no one expecting these undisputed subjects to be discussed, but that they had specific instructions regarding the Canadian boundary, allegiance and impressment,‡ and on several other subjects not mentioned by the British commissioners.* They said that the conference should consider the indemnity claims of private persons for seizure and capture of property and also the definition of a blockade.† The British commissioners then demanded that the Indian territory be made a barrier between the United States and the British possessions and that neither government should purchase any of this territory, though the Indians might sell it to a third party.‡ The Americans absolutely refused to consider this demand, whereupon the British commissioners proposed to suspend conferences until they could receive further instructions, which was done.||

Lord Castlereagh was prompt. In ten days the instructions came and came by his own hand, he reaching Ghent on the evening of August 18. His instructions were dated August 14 and their stipulations were still more impertinent and humiliating. It was frankly stated that the purpose of the Indian article was to erect a permanent barrier between the western settlements of the United States and Canada, so as to prevent the two from touching. The southern bound-

* Stevens, *Albert Gallatin*, p. 329; McMaster, vol. iv., p. 263; Adams, *United States*, vol. ix., pp. 17–18. The diplomatic correspondence is in *American State Papers, Foreign Relations*, vol. iii., pp. 695–748 and vol. iv., pp. 808–811. The diary of J. Q. Adams is in his *Memoirs*, vol. ii., pp. 603–622 and vol. iii., pp. 3–144. Gallatin's letters are in Adams' ed. of Gallatin's *Writings*, vol. i., pp. 545–647. Clay's letters are in Colton, *Private Correspondence of Henry Clay*, pp. 24–44.

† *American State Papers, Foreign Relations*, vol. iii., p. 705.

† Regarding impressment, Monroe had written to the commissioners on June 27: "On mature consideration, it has been decided, that, under all the circumstances alluded to [the reports regarding the state of feeling in England], incident to a prosecution of the war, you may omit any stipulation on the subject of impressment, if found indispensably necessary to terminate it." But, he added, "You will, of course, not recur to this expedient until all your efforts to adjust the controversy in a more satisfactory manner have failed. As it is not the intention of the United States, in suffering the treaty to be silent on the subject of impressment, to admit the British claim thereon, or to relinquish that of the United States, it is highly important that any such interference be entirely excluded, by a declaration or protest, in some form or other, that the mission is not to have any such effect or tendency. Any modification of the practice to prevent abuses, being an acknowledgment of the right, is utterly inadmissible"—*American State Papers, Foreign Relations*, vol. iii., p. 704.

* *American State Papers, Foreign Relations*, vol. iii., p. 706.

† *Ibid*, p. 707.

‡ *Ibid*, pp. 707–708.

|| McMaster, vol. iv., p. 264; Adams, *United States*, vol. ix., pp. 18–19.

ary of this strip was to be the line of the Greenville treaty of 1795. Beyond the bounds of this strip neither government should acquire land.* Gallatin thereupon asked what was to be done with the 100,000 citizens already living beyond the Greenville line in Ohio, Indiana, Illinois and Michigan. Goulbourn and Dr. Adams replied that these people must shift for themselves.† As to the Canadian boundary, the British demanded that the portion of Maine lying between the Quebec line and New Brunswick be ceded; that the line from Lake Superior to the Mississippi be revised; and that the United States should dismantle the forts at Niagara and Sackett's Harbor and never keep either naval forces, land fortifications, or any armed force on the Great Lakes, their shores, or any of the rivers emptying into them,—though Great Britain was to enjoy that privilege.‡ The British claimed also that Moose Island and the other pieces of land in Passamaquoddy Bay then in possession of the British had always belonged to them and were not a subject for discussion.

On August 20 the British commissioners sent an official note to the Americans containing their demands; but before sending their reply the Americans forwarded the note to America with the statement that they intended to reply in the negative.* As head of the commission, Adams was supposed to draft all formal papers. When he had prepared the answer, his draft met with little mercy;† but on August 24, after much "sifting, erasing, patching and mending until all were weary," the commissioners finally completed the answer and submitted it to the British.‡ The Americans said that the demands bore no relation to the causes of the war, were inconsistent with the principles of public law, and were not founded on reciprocity nor any of the usual bases of negotiation —neither of *uti possidetis* or *status ante bellum.* They stated furthermore that the conditions demanded by the British would force the United States to abandon a part of her territory and a portion of her citizens; would expose the country to foreign interference in their domestic concerns and the frontiers to British invasion and Indian depredation; would prevent her from exercising her natural rights on her own shores and waters; and that, altogether, it would be so useless further to discuss the matter that they would not even submit the demands to the home government.‖ As such terms had been

* *American State Papers, Foreign Relations,* vol. iii., p. 709.

† *Ibid;* Morse, *John Quincy Adams,* p. 80.

‡ *American State Papers, Foreign Relations,* vol. iii., p. 710; *Diary of J. Q. Adams,* vol. iii., pp. 19–25.

* *American State Papers, Foreign Relations,* vol. iii., p. 708.

† Morse, *John Quincy Adams,* pp. 82–83.

‡ *American State Papers, Foreign Relations,* vol. iii., pp. 711–713.

‖ McMaster, vol. iv., p. 266; Adams, *United States,* vol. ix., pp. 21–22.

offered as a *sine qua non* and had been flatly refused,* it seemed idle to expect that the negotiations could go on. Accordingly the American commissioners prepared to quit Ghent and return to their several posts while the British commissioners waited for instructions from London.†

On the last day of August George M. Dallas hurried home with copies of the demands and dispatches announcing that the mission had failed. When Dallas arrived in America he found the people flushed with the successes of Scott, Brown, Gaines, Macomb and McDonough. On October 10, just as the House was considering the resolutions of thanks to the victors, the copies of the British demands were presented. The House immediately ordered 10,000 copies printed that the insolent demands might be spread broadcast over the land.‡

Meanwhile Lord Castlereagh at Paris had heard of the manner in which the British commissioners were conducting the negotiations and expressed annoyance that the American commissioners had been allowed to place England in an attitude of continuing the war for purposes of conquest, and still more that the British commissioners had been willing to break off the negotiation on that issue. It was manifest that such a state of affairs could not be allowed to exist and that some concession must be made. Accordingly, in the absence of Castlereagh, Lord Bathurst sent new instructions, dated September 1, to the British commissioners, the terms of which were made known to the Americans on September 4.*

Bathurst conceded that the Indian matter, the Canadian boundary and the subject of disarmament on the lakes did not concern maritime rights but he claimed that though the war was begun in the protection of such rights, it had developed into a war of conquest, as was witnessed by the attempt on Canada, the occupation of Indian lands, the occupation of the Floridas, etc. He considered it the duty of Great Britain to protect her possessions from such attempts in the future. As to the establishment of the line of the Greenville treaty as a boundary, he was perfectly willing to withdraw the *sine qua non* and enter into a discussion of the subject. The British commissioners sent their note with these concessions to the Americans on September 19.† When the latter began the discussion among themselves, Adams proposed to break off negotiations at once, but Gallatin good-naturedly overruled him and the discussion went on. The first diver-

* See the letters in *American State Papers, Foreign Relations*, vol. iii., p. 713 *et seq.*

† Adams, *Life of Gallatin*, vol. iii., p. 718; *Diary of J. Q. Adams*, vol. iii., p. 22.

‡ McMaster, vol. iv., p. 267; *Annals of Congress*, 13th Congress, 3d session, p. 382 *et seq.*

* *American State Papers, Foreign Relations*, vol. iii., pp. 713–715.

† *American State Papers, Foreign Relations*, vol. iii., pp. 717–718; Babcock, *Rise of American Nationality*, pp. 180–181.

gence occurred when the subjects of the seizure of Florida and the attempt to conquer Canada were taken under discussion. Adams resented the British charges and persisted in justifying the United States in its attacks upon Florida. Having publicly denounced in Congress the Florida project, Bayard could not support such a view, which for a year Gallatin had opposed in the Cabinet.* Clay was reticent, having made numerous speeches on the conquest of Canada. Adams produced Monroe's instructions and finally compelled his colleagues to yield. After much discussion, the note was completed and on September 26 sent to the British commissioners. In short, the Americans refused to discuss the Indian matter or the lake question and would not refer the matter to Washington.† The note was referred to London, and with it went a letter from Goulbourn charging the American commissioners with false and fraudulent statements.‡

The situation did not seem to warrant a serious hope of peace. Liverpool said that the British Cabinet had gone to the utmost justifiable point of concession and that if the Americans were so unreasonable as to reject the British proposals there was nothing to do but to fight it out. On October 1 the news of humiliating defeat at Bladensburg and the burning of Washington reached Ghent, causing the Americans to feel that their position was growing weaker day by day.* From London instructions came to the British representatives to give way on the matters under discussion, but to inform the Americans that the *sine qua non* was the admission of the Indians as parties to the treaties of peace. Again the Americans refused and, instead, offered general amnesty to all Indians who had fought on the side of the British. The matter being referred to London, Lord Bathurst on October 5 sent Goulbourn the draft of a reciprocal article restoring the Indians to their status before the war, which article was communicated to the Americans as an ultimatum on October 8.† By this time Harrison's treaty of July 22 with the Wyandots, Delawares, and other tribes binding them to take up arms against the British had become known; and this news lessened the interest of both parties in the Indian question. The Americans not being prepared to negotiate that point just then, the British ultimatum was accepted on the 13th.‡ Thus the Americans won the first struggle, the British dropping their demands for an Indian territory, for the military and naval supremacy of England on the lakes,

* *Diary of J. Q. Adams*, vol. iii., p. 41.

† *American State Papers, Foreign Relations*, vol. iii., pp. 719–721.

‡ McMaster, vol. xiv., pp. 268–269; Adams, *United States*, vol. ix., pp. 28–30.

* Joseph M. Rogers, *The True Henry Clay*, p. 81.

† *American State Papers, Foreign Relations*, vol. iii., pp. 721–723.

‡ *Ibid*, vol. iii., pp. 723–724.

and for the inclusion of the Indians as parties to the treaty.*

Meanwhile, by instructions dated June 27, Madison had authorized the commissioners to omit the subject of impressment from the treaty.† The President seemed to think that this was warranted by the peace in Europe, which promised to offer no further occasion for either the claim or the denial of that British prerogative. For the same reason he authorized also the elimination of the subject of blockades from the discussion. Thus the American commissioners were relieved of all their insuperable obstacles. Not so with the British, however. In their note of August 24 the American commissioners had requested the British government to choose between the *status ante bellum* and the *status uti possidetis*. Until then the *status uti possidetis* included whatever territory had been taken by General Prevost in his September campaign; and from the first Bathurst had intended to insist upon this condition, though he did not think it proper to avow such intention. But new instructions, dated October 18 and 20, finally brought the matter to a point. Bathurst said that the British occupied Fort Michillimackinac, Fort Niagara and the country east of the Penobscot, while the United States occupied Fort Erie and Fort Amherstburg (or Malden). If the United States would restore these two forts, Great Britain was ready, he announced, to restore the forts at Castine and Machias, retaining only Fort Niagara and Fort Michillimackinac. Thus the British demand, which some time before had included half of Maine and the whole south bank of the St. Lawrence River from Plattsburg to Sackett's Harbor, suddenly dwindled to a demand for Moose Island, a right of way across Maine, Fort Niagara and its immediate vicinity, and the island of Mackinaw. The cause of this concession was not difficult to see; for, while the Cabinet was deliberating on the basis of *uti possidetis* news came that the British invasion of northern New Yord had failed, that McDonough had defeated the British fleet on Lake Champlain, that Prevost's army had precipitately retreated into Canada, that Ross had lost his life in his futile attempt on Baltimore, and that Drummond had been repulsed with considerable loss at Fort Erie. A time more inauspicious for the British demand could not have been found. The substance of the new instructions was sent by the British commissioners to the Americans, who on October 2 declined to treat on that or any basis other than a mutual restoration of territory.*

* McMaster, vol. iv., p. 269; Adams, *United States*, vol. ix., pp. 31–32; Stevens, *Albert Gallatin*, p. 331 *et seq.*; Winsor, *Narrative and Critical History*, vol. vii., pp. 485–486.

† *American State Papers, Foreign Relations*, vol. iii., p. 704.

* *American State Papers, Foreign Relations*, vol. iii., pp. 724–725. See also Adams, *United States*, vol. ix., pp. 32–37; McMaster, vol. iv., pp. 269–270.

The rejection of the British terms, seeming to render further negotiations impossible, created consternation among the British ministry. Accordingly, a cabinet meeting was held on November 3 to review the whole matter. As no definite conclusion could be reached it was decided to shift the responsibility upon the Duke of Wellington, then ambassador at Paris. On the 4th, Liverpool invited him to take supreme command in Canada and bring the war to an honorable conclusion. Wellington's reply was practically a refusal. Furthermore he said that the British government could not on any principle of equality in negotiation claim a cession of territory save in exchange for other advantages which it had in its power. If this were so, then why should the British stipulate for the *uti possidetis?** Thus advised, the British ministry had no choice but to abandon its claim for territory.

Meanwhile the British commissioners at Ghent had sent a note to the Americans on October 31 asking them to draw up heads for a treaty, since the basis of *uti possidetis* had been rejected.† Adams and Gallatin thereupon began the task of drafting the formal project of a treaty, but had accomplished little when a dispute broke out over the fisheries and the navigation of the Mississippi. When the treaty of 1783 was concluded Americans were given the right to use the northeastern fisheries as freely as when they were British subjects, and the British were given the right to navigate the Mississippi. At that time the United States claimed only one bank of the river and did not own its mouth. Then, too, the country through which it ran was little more than a wilderness. But thirty years had wrought a great change in the West, and Clay was prepared to exert all his powers to protect Western interests. Regarding the fisheries, the British put forth the claim on behalf of the Canadians that this was a privilege granted the Americans by the treaty of 1783. But as a war abrogates treaties between participants, the treaty of 1783 was ended when the United States declared war and with the end of the treaty came the end of fishery rights. The Americans, however, claimed that, as the treaty of 1783 defined boundaries and recognized independence, it belonged to that class of treaties denominated permanent and could not be affected by war; and as the articles relating to boundaries and independence were not affected, neither were the fishery rights. According to this view, the British still had the right to navigate the Mississippi, but this Clay would not concede. That England would ever use this right Adams considered unlikely, but neither the Western people nor the Canadians could be blamed if they were unwilling to

* Adams, *United States*, vol. ix., pp. 38–42; Stevens, *Albert Gallatin*, pp. 333–334.

† *American State Papers, Foreign Relations*, vol. iii., p. 726.

fasten upon future generations a mischievous treaty clause which might some day create untold trouble. Clay believed his popularity depended on preventing an express recognition of the British right to navigate the river, while Adams was equally determined in regard to relinquishing the fisheries.* Naturally, therefore, when Gallatin brought forward a draft of a treaty incorporating the American rights to use the fisheries and the British rights to navigate the Mississippi, Clay and Adams took opposite sides; and when a vote was taken on inserting this article three commissioners favored and two opposed it (Russell siding with Clay).† Clay declared he would never sign a treaty containing that article, but on November 10 offered a compromise. He consented to insert, not in the project of a treaty, but in the note accompanying it, a paragraph stating that the commissioners were not authorized to incorporate into the discussion any of the rights hitherto enjoyed in the fisheries, because, "from their nature and from the peculiar character of the treaty of 1783 by which they were recognized, no further stipulation has been deemed necessary by the government of the United States to entitle them to the full enjoyment of all of them." Accordingly the note was completed and accepted by all, and on November 10 the treaty project with the note went to the British commissioners.*

The American project was sent to London, where it arrived just as the British cabinet had decided on peace. On November 26 the project was returned, with the margins full of alterations.† The British note took no notice of the fisheries, but in place of the eighth article a clause was inserted demanding the free navigation of the Mississippi River for British subjects. Though Adams was quite satisfied with the British note, it was far from acceptable to Clay, who, more angry and determined than ever, boldly announced that he was willing to let Massachusetts pay for the peace she so eagerly wanted.‡ During November 28 and 29 Gallatin endeavored to reconcile the two men, urging Clay and restraining Adams until he had brought the matter to the point he wished. On December 1 another conference with the British commissioners was held at which the Americans offered to grant to British subjects the right to navigate the Mis-

* Morse, *John Quincy Adams*, p. 88 *et seq.*; Sargent, *Life of Clay*, p. 55; Schurz, *Life of Clay*, vol. i., pp. 110–111; Clay, *Life of Clay*, pp. 75–77.

† Winsor, *Narrative and Critical History*, vol. vii., p. 486; Sargent, *Life of Clay*, p. 57; Rogers, *The True Henry Clay*, pp. 85–87. See also the letters of Russell and others relating to this in *American State Papers, Miscellaneous*, vol. ii., p. 938 *et seq.*

* *American State Papers, Foreign Relations*, vol. iii., pp. 733–740; Stevens, *Albert Gallatin*, p. 334; McMaster, vol. iv., pp. 270–272; Adams, *United States*, vol. ix., pp. 44–47; *Diary of John Quincy Adams*, vol. iii., pp. 62–69.

† *American State Papers, Foreign Relations*, vol. iii., pp. 740–741.

‡ *Diary of J. Q. Adams*, vol. iii., p. 72.

sissippi in exchange for the use of the fisheries, and Clay made no further protest.* This proposal was sent to London, and as the British Cabinet was now bent on peace, Lord Bathurst on December 6 yielded to the wishes of the Americans and offered to leave the question of the fisheries and the navigation of the Mississippi open to future negotiation. This suggestion was communicated to the Americans. The offer implied that both rights were forfeited or subject to forfeiture by war — an implication Adams could not concede, but which the other commissioners could not challenge. Still the Americans were unwilling to yield without another struggle and refused the British offer as inconsistent with the basis of the *status ante bellum*.† A conference held with the British commissioners on December 12 resulted in nothing. During December 13 and 14 Adams pressed his colleagues to assert the American's natural right to the fisheries, insisting on the permanent character of the treaty of 1783. Gallatin, however, refused to make that point an ultimatum. Though all the commissioners save Adams had now resigned themselves to the sacrifice of the fisheries, Gallatin decided to make one more effort, and on December 14 drew up a note rejecting the British stipulation because it involved waiving a right by offering either to be silent regarding both matters or to admit a general reference to further negotiation of all subjects in dispute.*

Thus Gallatin's patience and judgment, aided by Bayard's support, carried all the American points without sacrificing the interests of any section of the United States. The note, dated December 14, was received by Lord Bathurst, who replied on December 19 that, as there seemed to be no prospect of agreeing regarding the fisheries, the disputed article might be omitted altogether. Accordingly these matters were dropped and on December 24 the commissioners met for the last time to sign the treaty. It was duly ratified and confirmed on February 17, 1815, and the next day was publicly proclaimed by the authority of the President.†

* *American State Papers, Foreign Relations*, vol. iii., p. 742.

† Morse, *John Quincy Adams*, p. 91.

* *American State Papers, Foreign Relations*, vol. iii., pp. 743–744; Adams, *United States*, vol. ix., pp. 48–50; McMaster, vol. iv., pp. 272–273; *Diary of J. Q. Adams*, vol. iii., pp. 79–120.

† *United States Statutes-at-Large*, vol. viii., p. 218 *et seq.*; *American State Papers, Foreign Relations*, vol. iii., pp. 745–748; *U. S. Treaties and Conventions*, pp. 399–405; *Revised Statutes Relating to the District of Columbia*, pp. 287–292 (ed. 1875); Snow, *Treaties and Topics in American Diplomacy*, pp. 74–76; MacDonald, *Select Documents*, pp. 192–198. For the most important articles see Appendix I. at the end of the present chapter. Much of the correspondence is preserved in the *Documents Relating to the Negotiations for Peace* (Philadelphia, 1814). One of the commissioners later published *The Duplicate Letter, the Fisheries, and the Mississippi; Documents relating to Transactions at the Negotiations of Ghent, collected and published by John Quincy Adams* (Washington, 1822). *Cf.* Daniel Chapman, *Crisis On the Origin and Consequences of Our Political Discussions, to which is annexed the Treaty* (Albany, 1815).

As finally signed the treaty contained eleven articles and provided for peace between the two belligerents and for a speedy restoration of prisoners, property, archives, etc.; for the pacification of the Indians; for a better definition of the boundaries; for the restoration of all our territory, save such islands in Passamaquoddy Bay as were in dispute; and both governments pledged themselves to promote the abolition of the slave trade. Three boards of commissioners were to be appointed to determine and define the boundaries, one of these boards to meet at St. Andrews, New Brunswick, and decide in which country the ownership of Deer, Moose, Dudley, and Grand Menan Islands was vested. If these commissioners failed to agree, the matter was to be referred to arbitration. The second commission was to settle the boundary from the St. Croix River to the St. Lawrence at latitude 45° N.; and the third was to take the line from that point to Lake Superior and from St. Mary's River to the Lake of the Woods. While the treaty was not all that could be desired, yet it was fairly satisfactory to both countries,* neither getting any concessions not offset by gains to the other. The Americans lost their claims for British spoliations and were obliged to admit to question their right to Eastport and their fisheries in British-American waters; while, on the other hand, the British failed to establish their principles of blockade and impressment and admitted to question their right to trade with the Indians and to the navigation of the Mississippi.†

APPENDIX TO CHAPTER XXV.

PRINCIPAL ARTICLES OF THE TREATY OF GHENT.

ARTICLE I.— There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of

* Gallatin said: "The treaty * * * is, in my opinion, as favorable as could be expected under existing circumstances, so far as they were known to us. The attitude taken by the State of Massachusetts, and the appearances in some of the neighboring States, had a most unfavorable effect."— Gallatin's *Writings*, vol. i., p. 645.

† Adams, *Life of Gallatin*, p. 546; Stevens, *Albert Gallatin*, p. 335 *et seq.*; McMaster, vol. iv., pp. 273–274.

the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall, in any manner whatever, be construed to affect the right of either.

ARTICLE II.—Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects and citizens of the two Powers to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic Ocean north of the equinoctial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator; and one hundred and twenty days for all other parts of the world, without exception.

ARTICLE III.—All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

ARTICLE IV.—Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been, at the time of and previous to the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the Province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. * * *

ARTICLE V.—Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of Peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut River, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the abovementioned northeast angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy, has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. * * *

ARTICLE VI.— Whereas by the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraquy to the Lake Superior, was declared to be "along the middle of said river into Lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into the Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior;" and whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. * * *

* * * * * * *

ARTICLE IX.— The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages, on his part, to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ARTICLE X.— Whereas the traffic in slaves is irreconcileable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.

CHAPTER XXVI.

1811–1818.

CURRENCY: BANKING: COMMERCE: INDUSTRY: TARIFF.

Operations of the Mint — Attempts to circulate bank credit-bills — Efforts to secure charters for the American Bank and the Bank of America — Banking in Massachusetts and other States — The attempt to secure a charter for a bank in the District of Columbia — The suspension of specie payment — Depreciation of bank notes — The Treasury circular — Action of the Virginia legislature — Establishment of the second Bank of the United States — The resumption of specie payment — The revival of commerce after the war — Demands for protection to American industries — Madison's message on the tariff — Discussion and passage of the tariff of 1816 — British schemes to secure American market — Petitions and memorials to Congress — Negotiation of a commercial convention with England — The passage of the "Plaster of Paris" Act — The tariff of 1818.

The war had ended and peace was restored. It was the dawn of a new era of reorganization, reconstruction and consolidation. The trials were still great and numerous, it is true, but they were concerned with the regular pursuits of peace rather than with the honors (and horrors) of war.

Of all the problems confronting the Nation, probably the most important was that of the currency, for it had fallen into a serious and alarming state, caused in part by the war and in part by the mania for State banks which then afflicted the entire country. In 1811 small notes and bills of individuals and corporations constituted the chief circulating medium of the country. In the vicinity of the State banks, many of which had now sprung into existence, bills issued by them passed for currency. Here and there were remains of the old State paper money of 1785, and much foreign gold and silver coin which had been made legal tender by Congress was still in circulation. After 1811 $5,000,000 in notes of the Bank of the United States had been called in and redeemed. Of the coins in circulation, those of the United States were the rarest.

The requirements were made up chiefly by the currency supplied by the State banks, by change bills, and notes put out by individual bankers, banking associations, corporations and the remonetized foreign coins. Finally these changed bills and notes became so plentiful as to be a positive evil, and in 1809 two States attempted to suppress it. North Carolina in that year fixed a limited time during which no promissory notes less than ten shillings should be drawn, and named a day after which their currency as money was to cease altogether. In Pennsylvania various individuals and associations had gone into the banking business and, procuring paper, had issued credit bills of all denominations far beyond their ability to redeem. In 1810, therefore, the legislature passed an act forbidding the unchartered banking associations to issue notes or bills, to make loans or to receive deposits.* This so greatly reduced the business of private banking associations that several endeavored to secure charters, though only one was successful.

Among the numerous petitions presented in 1812 was one under the name of the American Bank. The charter of the Bank of the United States having expired, the stockholders took the name of the American Bank, capitalized it at $5,000,000, and asked that a charter for 29 years be granted. They offered to give the State $375,000 to be used for building roads and bridges, subsequently raising this cash bonus to $500,000, and offering to loan the State $500,000 for internal improvements. At this time, however, the petition was not granted, but it aroused much eagerness for local banks. This tendency alarmed the governor, who, in his message to the legislature of 1812–1813, cautioned that body against what he saw was the inevitable outcome. But the people were determined to have their way, and before the legislature adjourned 31 applications for charters had been made and a bill passed

* Sumner, *History of American Currency*, p. 63.

creating a general banking system for the State. This called for 25 new banks, at least one of which was to be established in each of the 23 Congressional districts.* The total capital of these 25 banks was to be $9,525,000, of which 1 per cent. interest was to be paid each year to the State. The governor vetoed the bill in March of 1813, but at the next session of the legislature another bill was passed establishing 41 new banks, with $17,000,000 capital.† Again he vetoed the bill, but this time it was passed over his veto, and in 1814 37 of these banks commenced business.‡

When it became known that a new charter would be refused to the Bank of the United States, some New York capitalists purchased all the stock they could buy, and in 1812 applied to the legislature for a charter, naming the new institution, with a capital of $6,000,000, the Bank of America. For a grant of a charter running 30 years, the bank would pay $400,000 in four annual and equal payments; another $100,000 would be given the State, if during the next ten years no rival banks were chartered to conduct business in New York City; and a further $100,000, if rivals were kept from doing business for 20 years. The capitalists offered the State $1,000,000 at 5 per cent. to be used in building the Erie Canal, and $1,000,000 at 6 per cent. to be loaned by the State to farmers on landed security. The Assembly passed a bill confirming the grant and it was about to be voted upon in the Senate when the governor prorogued the legislature for 55 days because attempts had been made to bribe some of the members and therefore, before the bill passed, it would be well to examine and refute the charges. Little good resulted from this action, for when the legislature convened, the Senate passed the bill. Upon favorable action by the Council of Revision, it became law.*

The same state of affairs existed in the majority of the other States. In Massachusetts the charters of 16 of the existing banks would expire in October of 1812, and it was thought that these banks might be placed by one large institution, but the mania for local banks held the people and 20 banks were founded in 1812. Six local banks were established in New Jersey, three in Delaware, and three in Ohio. In Virginia a futile attempt was made to add $1,500,000 to the capital of one of the two banks in existence. During these two years the number of banks had been raised from 88 to 208; and as all had the right to issue bills, the country once again launched upon a paper-money era. Unfortunately none of the banks could secure specie enough to redeem a small portion of their paper, as much

* Bishop, *History of Manufactures*, vol. ii., p. 202; Sumner, *History of American Currency*, p. 64.

† Sumner, *History of American Currency*, p. 64.

‡ McMaster, vol. iv., pp. 287–288; Babcock, *Rise of American Nationality*, pp. 217–218; Bishop, *History of Manufactures*, vol. ii., p. 202.

* McMaster, pp. 289–290.

of the specie was at that moment in New England, owing to the fact that its manufacturers were then supplying the domestic market with many articles which had previously been purchased from England, and thus received in payment from the other States a great amount of the specie. Again, owing to the blockade during the war, the New England ports afforded the only outlet for Southern products, as a result of which there was a large balance due the New England States by the South, which was paid in specie, thereby, stripping the Southern banks of every available dollar of specie. So great had been the drain on the Southern banks that the specie in the Boston banks grew inside of two years (1812–1814) from about $800,000 to more than $7,000,000.*

On January 10, 1814, a petition was sent to Congress by several capitalists of New York requesting permission to incorporate a National bank, with $30,000,000 capital, the bank in turn to loan the Government $15,000,000.† The House Committee of Ways and Means reported that, under the Constitution, a bank within the limits of the States could not be chartered without the consent of the States, whereupon on February 4, 1814, Calhoun moved that an inquiry be instituted into the expediency of establishing a National bank in the District of Columbia.* Shortly afterward the bill was presented, read, and committed, but the matter was allowed to drop until Felix Grundy, of Tennessee, asked that a special committee make inquiry into the expediency of founding a bank. This committee was appointed, but remained inactive and was discharged just before the session ended. Hence action on the measure was postponed indefinitely.† By this time — and especially toward the close of August of 1814, when the British captured Washington — the people began to lose faith in the banks and to withdraw their money. The people in the South became panic-stricken first and began to withdraw what coin they had deposited. The banks south of Baltimore ceased to redeem their notes, forced the Baltimore banks to do likewise and finally, on August 28, unable to stand the strain, the Philadelphia banks suspended payments.

The banks of New York, Albany and other cities attempted to hold out for some time, but when news arrived from Baltimore of the suspension, matters wore a different aspect, and though the merchants and industrial boards resolved to aid the banks in every way possible, there was not a single bank in any of the seaboard States that did not suspend the payment of specie within a short time. The Government was the chief sufferer, because much of its money was

* Adams, *United States*, vol. ix., p. 97.

† *American State Papers, Finance*, vol. ii., p. 663.

* Jenkins, *Life of Calhoun*, p. 81.

† McMaster, vol. iv., pp. 292–293.

deposited in the Southern banks and not a dollar of specie could be moved to the frontier to pay the troops, army creditors, etc.* The Secretary of the Treasury then ordered the revenue collectors not to receive Treasury notes in payment of taxes or dues when the amount of the note exceeded the sum due. On the other hand, he said that, owing to the suspension of specie payment, the Government would be unable to pay in specie, but must pay its creditors in Treasury notes, unless they desired to wait until such time as the Secretary had specie with which to pay them. A few of the creditors took these notes, but on the first day of January, 1815, the Treasurer defaulted in the payment of the dividends on the funded debt due in Boston, failed to pay off two temporary loans of $250,000 each made by the State bank at Boston, and also defaulted in the payment of $2,800,000 of Treasury notes due in other places.

Soon the dearth of coin in the East began to affect the Western banks, for immediately upon suspension of specie payment in the East efforts were made to secure from the West what little specie the Western banks contained, the result being that early in 1815 several banks in Ohio were forced to suspend specie payment. The people suffered as well as the banks and the Treasury Department, for there was not a single coin to be had, particularly in the larger cities, where the banks were located. As it was unlawful to issue bills less than a dollar in value, the place of silver was supplied by an illegal issue of small paper bills. In their corporate capacities, several cities also printed large amounts of notes, one cent, two cents, and six cents in value, which were sold in lots amounting to $5 or $10 to those who needed change, with the guarantee that they would be redeemed in bank bills and would be received in payment of taxes. New York City alone issued $190,000 in these small notes. The banks followed suit, but, as they could not legally issue these in their own names, they induced some merchant of well-known integrity to sign the bills for them. In this manner and before the spring of 1815 the seaboard States south of New England were flooded with paper money of this character.*

Upon the conclusion of the war, foreign trade began to revive and the evils of this paper currency became greater. The prices of all varieties of commodities at once declined, and among them specie, the premium of which inside of a few days had dropped from 14 to 3 per cent. This seemed to presage the resumption of specie payment, but these fond hopes were not realized, for the revival of trade necessitated still greater sums of money; and, while the banks made the loans necessary, they could not redeem the paper in specie, and finally

* Babcock, *Rise of American Nationality*, pp. 219–220.

* McMaster, vol. iv., pp. 296–298.

gave up all attempts to do so. This aroused the people and a bill was introduced in the New York Assembly laying a tax of 14 per cent. on all bank notes not redeemable in coin after January 1, 1816, but the banks of New York met this resolution in such a way that all further action was stopped. As a consequence of the refusal of the banks to resume specie payment, their notes began to depreciate, the notes of the Delaware banks being taken at 2 per cent. discount, of the Baltimore banks at 3 per cent., of the chartered banks of Richmond at the same rate, and of the Ohio and Pennsylvania banks at 7 per cent. The Northern banks were more fortunate, however, the notes of the Jersey banks being sold in Philadelphia at par; the bank bills of New York at 4 per cent. premium, and those of Boston at 9 per cent. So greatly did the Government suffer for want of a circulating medium that in June of 1815 the Secretary of the Treasury gave notice that on and after August 1, the collectors of customs would not receive the notes of such banks as did not pay specie and would refuse to take and pay out Treasury notes at par in payment of custom house duties.* This attempt to force the resumption of specie payment compelled a number of banks whose depositors conducted a large custom house business to yield, but many of the most important banks refused to comply with the request, and on August 15 a new circular was issued giving notice that after October 1, 1815, the notes of such banks as refused to comply with the previous circular would no longer be received in payment of duties or taxes due the United States.* This notice had the desired effect, and before November several of the banks which had failed to acceed to the demand in July, complied.† The people also were beginning to grow weary of the refusal to resume specie payment, and in numerous places resolutions were passed not to accept any change bills other than those issued by the city corporations, or any bank notes which did not pass current at the city banks.‡ The Virginia legislature then took the matter under consideration, and passed a law requiring every bank in the State to resume payment by November 15, 1816, under severe penalty for failure to comply. The banks therefore began to call in loans, stopped discounting, and badly deranged business. Another law passed at this time provided that in all cases where attempts were made to collect money due, as on a mortgage, not an article could be sold unless the creditor should, ten days before the sale, signify his willingness to take such notes of the chartered banks of Virginia, of the neighboring States and

* *American State Papers, Finance,* vol. iii., p. 29.

* *Niles' Register,* vol. viii., p. 439, where a list of the banks is given.

† *Ibid,* vol. ix., p. 151.

‡ McMaster, vol. iv., p. 302.

of the District of Columbia, as were current in the country where the sale was to be held. The judges in the county courts were to decide what bills were current in their districts and to fix the rate of depreciation. Another law fixed a date when notes, bills, etc., of unchartered banks and corporations should cease to be currency, after which it would be a misdemeanor to use or receive such bills. Some of the court judges refused to execute the law, while others placed such a heavy discount on the bills of outside cities as practically to put an end to business. Furthermore, the unchartered banking institutions began to call in their paper so as to comply with the law, and consequently the region in the vicinity of Richmond was left without a money loaning institution. By the middle of the summer the people of the State clamored for a special session of the legislature to repeal the odious laws, and at the session held in November the law requiring the banks to resume specie payment was suspended, at first for one month and then for seven, while fifteen unchartered banking institutions were given until August 31, 1817, to call in their paper money. Two new banks were created in the mountain region to placate the population there. Similar events occurred in nearly every State.*

Meanwhile Congress had established a second Bank of the United States to regulate the currency, and had instructed the Secretary of the Treasury to see that the revenue was paid in legal currency after February 20, 1817. In his message to Congress on December 5, 1815, Madison had spoken of the alarming state of the currency and of the urgent need of a remedy.* On January 8, 1816, a committee, of which Calhoun was chairman, brought in a bill to establish a National bank,† based on the plan outlined by Dallas.‡ This bank was to be incorporated for 21 years, with a capital of $35,000,000, of which the Government was to subscribe $7,000,000. Another $7,000,000 was to be subscribed for in gold and silver by corporations and individuals, while the remaining $21,000,000 was to be in funded debt of the United States. The chief office of the bank was to be at Philadelphia, and power was given to establish branches in other States. Its notes were to be received in payment of all debts due the United States. It was to receive and transfer the public money from place to place and, in return for its charter privileges, was to pay a bonus of $1,500,000, in equal installments in two, three and four years, after the bank commenced operations.

Several measures prevented action

* McMaster, vol. iv., pp. 302–306.

* Richardson, *Messages and Papers*, vol. i., p. 564 *et seq.*

† *Annals of Congress*, 14th Congress, 1st session, pp. 494–505; Benton, *Abridgment*, vol. v., p. 501; Von Holst, *Life of Calhoun*, p. 31; Jenkins, *Life of Calhoun*, p. 89.

‡ For which see *American State Papers, Finance*, vol. iii., pp. 57–61; *Niles' Register*, vol. ix., pp. 346–368; 365–369; *Annals*, pp. 505–514.

on this subject for a month, but when the matter was finally taken under consideration the discussions were long and tiresome.* Calhoun said that a doubtful state of the currency was a strain on public and private credit and that it was the plain duty of the Government to restore specie payments; but as specie payments could only be restored through the agency of a National specie-paying bank, Congress should exercise its power to establish one.† Clay then came down from the Speaker's chair and spoke practically to the same effect, though he exactly reversed his stand of 1811.‡ Webster, however, opposed the bill, saying that it was a mistaken idea that a National bank ought to be created to regulate the currency; but he said that, as the currency had not been created by the National government, but by banks acting under the authority of the States over which Congress had no control, there seemed to be only one way to remedy the condition to forbid the custom house collectors and the receivers to take State bank notes in payment of dues and taxes.|| However, Webster's opposition was futile, for the reasons given by Mr. Dallas had greater weight with the majority of the members of Congress than those of the opposition. In his report, Dallas said:

"The establishment of a National Bank is regarded as the best, and, perhaps, the only adequate resource to relieve the country and the Government from the present embarrassment. Authorized to issue notes which will be received in all payments to the United States, the circulation of its issues will be co-extensive with the Union; and there will exist a constant demand, bearing a just proportion of the annual amount of the duties and taxes to be collected, independent of the general circulation for commercial and social purposes. A National Bank will, therefore, possess the means and the opportunity of supplying a circulating medium of equal use and value in every State, and in every district of every State. Established by the authority of the Government of the United States; accredited by the Government to the whole amount of its notes in circulation; and intrusted, as the depository of the Government, with all the accumulations of the public treasure; the National Bank, independent of its immediate capital, will enjoy every recommendation which can merit and secure the confidence of the public. Organized upon principles of responsibility, but of independence, the National Bank will be retained within its legitimate sphere of action, without just apprehension from the misconduct of its directors, or from the encroachments of the Government. Eminent in its resources, and in its example, the National Bank will conciliate, aid and lead the State banks in all that is necessary for the restoration of credit, public and private. And acting upon a compound capital, partly of stock and partly of gold and silver, the National Bank will be the ready instrument to enhance the value of the public securities, and to restore the currency of the national coin."*

Therefore, on March 14, the House passed the bill by a vote of 80 to 71. On April 3 the bill, after being amended, was approved by the Senate

* See *Annals of Congress*, 14th Congress, 1st session, pp. 1060–1067, 1070–1115, 1118–1112, 1139–1149, 1151–1158, 1189–1195, 1200–1219; Benton, *Abridgment*, vol. v., pp. 595–600, 621–627.

† *Annals*, pp. 1060–1066; Jenkins, *Life of Calhoun*, pp. 92–99.

‡ *Annals*, 1189–1195; Dewey, *Financial History*, pp. 149–150; Sargent, *Life of Clay*, p. 64 *et seq.*; Schurz, *Life of Clay*, vol. i., p. 132 *et seq.*

|| *Annals*, pp. 1091–1094; Webster's *Works* (National ed.), vol. v., p. 48; Curtis, *Life of Webster*, vol. i., pp. 148–150.

* *Annals*, pp. 1643–1644.

by a vote of 22 to 12;* on April 5 the House concurred in the amendments, and on April 10 the President, notwithstanding his course on a previous occasion, signed the act and it became law.† The principle features of the act were these: The charter extended the life of the bank 20 years; the capital was $35,000,000, of which the Government was to subscribe $7,000,000; of the rest, one-quarter, in shares of $100, was to consist of gold and silver and the other three-quarters of funded debt; subscriptions were to be payable in four installments, and upon the payment of the first installment the bank was to be organized and operations were to commence; the headquarters of the bank was to be at Philadelphia, but branches might be established elsewhere, under the control of the board of 13 persons appointed by the directors; a board of 25 directors was to be appointed to manage the affairs of the institution, the Government appointing five of these, the rest being elected by the stockholders, some being changed at each election on the rotation principle; the President was to be elected from among the directors annually, and resident citizens alone were to be eligible as directors; the notes of the bank were to be receivable in payment of all dues to the United States, the bank holding, transmitting, and paying public money without charge; and unless authorized by Congress or the President, specie payments were not to be suspended.*

Calhoun and his supporters did not depend alone upon the exertions of the new bank and its branches for the return of specie payment. On March 15, 1816, in the hope of restoring it before the bank went into operation, Calhoun requested Dallas to give him information as to whether the taxes could not be collected in gold, silver, Treasury notes and the notes of such banks as were paying specie. In a letter dated March 19 Dallas sketched a plan of a law which would require such payments to be made,† and on April 6, Calhoun presented it to Congress.‡ This plan provided that after December 31, 1816, no collector of revenue or tax receiver should take anything but gold, silver, copper or foreign coins which were legal tender and Treasury notes, though the Secretary of the Treasury might, if he deemed it wise, receive notes of specie-paying banks. Though the opposition to this measure was strong, the bill was carried by its supporters through all its stages up to the time when the final question was taken on April 25,

* For the debate see *Annals*, pp. 235–249, 251, 255, 257–281; Benton, *Abridgment*, vol. v., pp. 469–477.

† Adams, *United States*, vol. ix., p. 118; White, *Money and Banking*, pp. 277–279; Babcock, *Rise of American Nationality*, pp. 226–227. For text see *United States Statutes-at-Large*, vol. iii., pp. 266–277; for the significant portions see MacDonald, *Select Documents*, pp. 208–212.

* Dewey, *Financial History*, pp. 150–151.

† *American State Papers, Finance*, vol. iii., pp. 116–117; *Annals of Congress*, 14th Congress, 1st session, pp. 1229–1233.

‡ *Annals* pp. 1345–1346; Benton, *Abridgment*, vol. v., p. 643.

when the measure was defeated by one vote (60 to 59).* The next day, however (April 26), Webster took up the matter and on April 29 succeeded in securing the passage of a joint resolution, directing the Secretary of the Treasury to adopt such measures as in his judgment would secure the resumption of specie payment.† He was to cause all payments to the United States — duties, taxes and debts — to be made in specie, Treasury notes, notes of the Bank of the United States, or any notes of specie-paying banks, and it was declared that after February 20, 1817, nothing but such currency would be received.‡ On July 22, therefore, the Secretary of the Treasury gave notice that after October 1 no bills of any bank which did not pay specie for all notes of $5 and under would be received in payment of dues to the Government, and that after February 20 no bills of any bank which did not pay all its notes in specie on demand would be received.|| This regulation was strenuously resisted by the banks, which endeavored to postpone the resumption of specie payment until July of 1817,§ but Dallas pushed forward the work of establishing the Bank of the United States, and the efforts of the banks were defeated.

While the commissioners at Philadelphia were engaged in organizing the bank, Dallas did all he could to bring about the resumption of specie payment. As before stated, he sent a circular letter in July to all the State banks in the country, reminding them of the various kinds of currency in existence, assuring them that public confidence would speedily return if they should restore gold and silver to circulation, and informing them that after February 20 notes of non-specie paying institutions would no longer be taken by the United States, and that after October 1 the collectors of the revenue should not receive bank notes of $5 and under unless they be convertible on demand into coin. The interior banks replied to this circular that they would resume as soon as the seaboard institutions did, but that it would be unsafe for them to do so sooner. The New York, Philadelphia and Baltimore banks declined to resume for a year, but they were soon forced to yield. Furthermore, the people began to lose patience and rejected all bills issued as small change, resolving that after October 1 no bills of less than $1 in denomination should be taken in payment, unless issued by banks promptly redeeming in specie. This brought the banks to terms, and after the first move had been made, one bank after another, the city cor-

* *Annals*, pp. 1382–1401, 1413, 1415–1418, 1428–1437; Benton, p. 648.

† *Annals*, pp. 369–371, 1440–1451; Benton, vol. v., pp. 648–650; Curtis, *Life of Webster*, vol. i., pp. 150–152; Tefft, *Life of Webster*, pp. 168–169.

‡ Adams, *United States*, vol. ix., pp. 118–119; *United States Statutes-at-Large*, vol. iii., p. 343.

|| Adams, *United States*, vol. ix., p. 128.

§ *Ibid*, pp. 128–129; Babcock, *Rise of American Nationality*, p. 229; Dewey, *Financial History*, p. 151.

porations, and private individuals, began to pay out specie.

During the war the blockade of the coast had practically put a stop to commerce, but the minute the merchants saw that their commerce was ruined, they transferred their capital to manufacturing establishments. Large quantities of rice, cotton, tobacco, flour and lumber had been produced during the continuance of the blockade, the greater part of which was still in the hands of the producers; but the minute the blockade was lifted, this produce was shipped to Europe, which was only too glad to receive it. Before the Embargo, the highest monthly average of exports in any year was $4,000,000, but in 1815 it rose to $5,000,000, and from March 1 to September 30 of that year domestic products exceeding $46,000,000 in value were shipped to foreign ports, the transportation of which employed more than 850,000 tons of American shipping.* Immediately after the first intimation was received that the treaty of peace would be signed shortly, the merchants began to prepare for an immense volume of trade. Ships were chartered, crews were engaged and cargoes provided for, so that the waterfronts soon began to assume an appearance of intense activity. When the day finally came on which shipments could be made without fear of capture, a vast fleet of merchantmen put out from Boston, New York and Baltimore, and the custom house clearances resumed their places in the columns of the daily newspapers. Toward the end of May and the beginning of June vessels from Europe began to arrive, bringing goods in such quantities as had never been known in the experience of the oldest merchant.* Yet, great as the volume of commerce was, it was insufficient to supply the demand. In New York City alone the duties paid at the custom house during April, May and June amounted to $3,939,000,† and during the three days in August alone 65 vessels came in from foreign ports laden with cargoes worth in several instances more than £50,000 sterling.‡ This revival of trade was noticeable in every important city.

The vast influx from foreign countries began to awaken the people to the fact that these imported goods could be made as well and as cheaply in America as in Europe, and at the same time would not only provide a use for American capital, but also give employment to hundreds of thousands of artisans in all lines of

* *American State Papers, Commerce and Navigation*, vol. ii., p. 647.

* Bishop, *History of Manufactures*, vol. ii., p. 211. See also *Niles' Register*, vol. viii., pp. 120, 140, 192, 203, 290.

† *Niles' Register*, vol. ix., p. 44.

‡ In 1815 the total imports and exports were $113,041,274 and $52,557,753, respectively, an increase from $12,965,000 and $6,927,441, respectively, in 1814. In 1816 these figures were $147,103,000 and $81,920,452. See *American State Papers, Commerce and Navigation*, vol. ii., pp. 20–24, 53–57.

work.* As yet no suggestion had been made of a way for protecting American industries, but in 1815, when the wool and cotton industries had become almost ruined by the demand for foreign-made goods of this nature, aid was sought from the Government to prevent the complete ruin of these industries.† The cotton and woolen manufacturers of Morris county, New Jersey, in October of 1815, petitioned the New Jersey legislature to remove the State tax on their mills and the spindles used in them, and a committee of the Assembly to which this petition was referred recommended that the prayer be granted. On October 15, therefore, the Assembly passed a resolution to that effect.‡ At about the same time the cotton spinners of Providence decided to appeal to Congress and, with this object in view, sent a memorial to the various legislatures in all parts of the country requesting like action. This memorial, which was presented to the Senate on December 22, 1815, requested that all cotton fabrics save nankeens made at places beyond the Cape of Good Hope should be absolutely shut out by laws prohibiting their importation, and that heavy duties should be placed on goods of coarser textures brought from other lands.* Memorials of a similar nature were sent from Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Louisiana, etc.†

On December 4, 1815, Congress assembled in the Old Patent Office. As soon as the House was organized, Clay was elected speaker.‡ On the 5th, Madison sent in his seventh annual message. Regarding the tariff, he said:

"In adjusting the duties on imports to the object to revenue, the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of in-

* Writing to D. Lynch, Jr., June 27, 1817, Madison said: "* * * every prudent nation will wish to be independent of other nations for the necessary articles of food, of raiment, and of defence; and particular considerations applicable to the United States seem to strengthen the motives to this independence. Besides the articles falling under the above description, there may be others, for manufacturing which natural advantages exist, which require temporary interpositions for bringing them into regular and successful activity. * * *. Among the articles of consumption and use, the preference in many cases is decided merely by fashion or by habits as far as an equality, or still more where a real superiority, is found in the articles manufactured at home, all must be sensible that it is politic and patriotic to encourage a preference of them, as affording a more certain service of supply for every class, and a more certain market for the surplus products of the agricultural class."—Madison's *Works* (Congress ed.) vol. iii., p. 43. See also pp. 158–161.

† Taussig, *Tariff History*, p. 29; *Niles' Register*, vol. ix., pp. 189–191.

‡ Bishop, *History of Manufactures*, vol. ii., pp. 215–216.

* *American State Papers, Finance*, vol. iii., pp. 52–54; *Annals of Congress*, 14th Congress, 1st session, pp. 28, 402, 1651–1655. Bishop (*History of Manufactures*, vol. ii., p. 214, note) says that the several factories were assessed one cent on each spindle "for the payment of the expenses of an agent to proceed to the city of Washington, to enforce the memorial or petition of the cotton manufacturers."

† For some of these see *American State Papers, Finance*, vol. iii., pp. 33–35, 56, 104–107; *Annals*, pp. 1701–1713.

‡ *Niles' Register*, vol. ix., p. 254.

dividuals the application of their industries and resources, there are in this, as in other cases, exceptions to the general rule. Besides, the condition which the theory itself implies on a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, though sufficiently advanced and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress and exhibited an efficiency which justify the belief that with the protection not more than is due to the enterprising citizens whose interests are now at stake, it will become at an early day not only safe against occasional competitions from abroad, but a source of domestic wealth and even of external commerce. In selecting the branches more especially entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defense or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which can not fail to be rewarded." *

The suggestions of the President were sent to the proper committees, but the business of the session did not get under way until the House Committee of Ways and Means reported on January 9, 1816.† In his annual report of December 6, 1815, Dallas had suggested that the double duties on imports, which by law would expire February 17, 1816, should be continued until June 30; that the war rates on refined sugar, stamps, sales at auction, and on postage should be retained; that the direct tax be reduced from $6,000,000 to $3,000,000, and that the tax on furniture, watches and certain other articles of domestic manufacture should be repealed.* There had been loud and bitter complaint during the autumn of 1815 against the system of taxation, which Dallas thus proposed to destroy,† and consequently the Committee on Ways and Means urged that every kind of internal tax should be repealed. It not only endorsed Dallas' plan, but recommended that the taxes on sales at auction, on licenses to retail liquor, and on spirits distilled in the United States be repealed, and that the postage rates be reduced. But as this would produce a deficit in the Treasury, the committee suggested that the current rates of customs duties be increased 42 per cent. The difference in revenue between Dallas' plan and that of the committee was trifling, amounting to less than $100,000,—Dallas' plan yielding a revenue of $25,278,840, while that of the committee would yield $25,369,500. The difference in principle, however, was

* Richardson, *Messages and Papers*, vol. i., pp. 562–569; *Niles' Register*, vol. ix., pp. 254–257; *Annals of Congress*, 14th Congress, 1st session, pp. 12–18; Benton, *Abridgment*, vol. v., pp. 442–445. Dallas' report on the condition of the finances is in *American State Papers, Finance*, vol. iii., pp. 1–32; *Niles' Register*, vol. ix., pp. 261–280.

† *American State Papers, Finance*, vol. iii., pp. 62–64; *Niles' Register*, vol. ix., pp. 354–357; *Annals of Congress*, 14th Congress, 1st session, pp. 516–522.

* *Niles' Register*, vol. ix., pp. 436–447; *American State Papers, Finance*, vol. iii., pp. 1–32; *Annals*, pp. 1601–1645.

† For details see McMaster, vol. iv., p. 331 *et seq.*

very great, for, by abolishing the internal taxes the sum of $7,064,340 would be lost, to be made up, according to the plan of the committee, by an increase of customs duties, which increase amounted virtually to a protective tariff. Both plans were calculated to produce a surplus revenue of $9,590,831, which the committee suggested should be used to increase the sinking fund (from $8,000,000 to $13,150,000) for the payment of the National debt and to provide the means for internal improvements and National defences.* The matter was debated for more than a month, the members being almost evenly divided on the question.† The opponents of the system said that there was no reason for a surplus, or internal or direct taxes, and insisted that it was only necessary to levy customs duties to provide sufficient funds to pay the expenses of government, economically administered. The advocates of the system said that it was one of the objects of the plan to place the country in a position where it would always be prepared for war with foreign countries.‡

Under the leadership of Calhoun, Clay and William Lowndes, the Republicans succeeded in securing the adoption of the plan, the act passed in pursuance of it becoming law February 5, 1816.* One million dollars per year for eight years was to be devoted for building ships for the navy. The duties on licenses to retail wines and liquors were diminished; the taxes on sales at auction, on gold and silver watches, on household furniture and on certain domestic manufactures, including spirits distilled within the United States, were repealed; the rates of postage were lowered, and the direct tax reduced from $6,000,000 to $3,000,000. The act provided that after June 30, 1816, there should be an additional duty of 42 per cent. on the existing duties until a new tariff law should be enacted. This meant that the increase should apply only to the permanent duties — those in existence before the war; and therefore the new tariff meant a decrease of 29 per cent. from the war duties.† As this bill has reduced internal taxes and wiped out a revenue of $7,000,000, it became necessary to raise revenue in some other manner, and availing themselves of a resolution passed by the House February 23, 1815, the committee of Ways and Means requested Dallas to suggest a plan of duties. The report was sent to Congress on February 13, 1816,‡ after

* Adams, *United States*, vol. ix., p. 112; *American State Papers, Finance*, vol. iii., p. 63.

† See *Annals*, pp. 675–678, 680–694, 720–730, 733–763, 771–875, 900–917; Benton, *Abridgment*, vol. v., pp. 546–549, 559–563, 567–584.

‡ McMaster, vol. iv., pp. 335–336. See also Von Holst, *Life of Calhoun*, p. 27.

* Stanwood, *Tariff Controversies*, vol. i., pp. 137–138; *Annals*, pp. 1795–1796. For the debate see *Niles' Register*, vol. ix., pp. 362–363, 418.

† Stanwood, *Tariff Controversies*, vol. i., p. 138.

‡ *American State Papers, Finance*, vol. iii., pp. 85–99; *Niles' Register*, vol. ix., pp. 437–447; *Annals*, pp. 1674–1698.

the House agreed to raise the duties 42 per cent.

In reporting a plan for a new tariff, Dallas had made a strong plea for protection.* Arranging the duties so as to encourage and protect such manufactures as already existed, and to encourage the establishment of such industries as were greatly wanted, he divided manufacturing establishments into three classes: those which had long been established and could fully supply the home market; those which had recently been set up and could only partially supply the market; and those which were just being introduced, for which the country was dependent on foreign sources. For the long-established industry he would have prohibitory duties; for those recently established, a protective tariff; and for those just being introduced, a tariff for revenue purposes only.† The suggestions of the Secretary were referred to the Committee on Ways and Means, which on March 12, 1816, reported a tariff bill‡ providing an *ad valorem* duty of 25 per cent. on imported cotton and woolen goods of every description.

Though Lowndes, of South Carolina, chairman of the committee, accepted the principle of protection, he was more moderate in his views of the rates necessary to carry out the policy than were the manufacturers. On several important articles — notably textiles — the committee lowered the rates recommended by Dallas, and Lowndes voted to reduce some of the rates reported by the committee. In general, however, he supported the protective policy and opposed the hostile amendments prepared by Randolph, the head of the opposition. On March 20 the House began consideration of the matter, and John Randolph was the only member who did not declare himself in favor of protection, though there was a great diversity of opinion as to the amount of protection necessary.* Webster declared himself in favor of protecting such manufactures as already existed, but did not deem it wise to establish a tariff for the purpose of producing manufactures. Samuel D. Ingham declared that the National policy was at stake; that revenue was only an incidental consideration; that it was not a question merely of raising dollars and cents, but of the industrial independence of America through the establishment and encouragement of manufacturing of every sort.† Again, there were those who claimed that protection should be given only to articles of

* Thompson, *History of Protective Tariff Laws*, pp. 118–120.

† Bishop, *History of Manufactures*, vol. ii., pp. 222–223; McMaster, vol. iv., p. 337; Stanwood, *Tariff Controversies*, vol. i., p. 139; Dewey, *Financial History*, pp. 161–162.

‡ *Annals of Congress*, 14th Congress, 1st session, p. 1201.

* Thompson (*History of Protective Tariff Laws*, p. 130 *et seq.*) says the defence of the principle of protection rested mainly on Calhoun and quotes long extracts from his speech.

† *Annals*, pp. 1239–1247; Benton, *Abridgment*, vol. v., p. 628.

absolute necessity in time of war and of prime importance in time of peace. There was still an aggressive minority that did not favor protection in any form.* The debate centered chiefly about cotton and woolen goods and sugar. The committee proposed a duty of 25 per cent. on cotton and woolen goods of all descriptions, with this proviso, however, "that all cotton cloths, or cloths of which cotton is the material of chief value (excepting nankeens imported direct from China), the original cost of which at the place whence imported shall be less than 25 cents per square yard, shall be taken and deemed to have cost 25 cents per square yard, and shall be charged with duty accordingly." This principle of the minimum was devised and urged upon Congress by Francis C. Lowell, of the Boston Manufacturing Company, the inventor of the power loom that had made the company so successful.† The introduction of power looms in England had so materially cheapened cloth that existing duties were no bar to the importation of large quantities of British goods which could be sold at a profit at a lower price than the hand-woven goods of Massachusetts and Rhode Island.‡ Lowell urged the introduction of power looms, but even these could not compete against the cheap India cottons, which cost but 9 cents per yard to produce and could be sold in the United States at a profit for much less than it cost the Americans to produce their strong and serviceable goods. Accordingly Lowell proposed the minimum valuation and the imposition of the duty upon that. In effect, this would be equivalent to a duty of 100 per cent., and since freight, insurance, interest, etc., must be added, it would operate to shut India goods entirely from the market. Besides, it would put a stop to the undervaluation of British goods, which had become a serious grievance.*

Solomon Strong, of Massachusetts, then moved that the duty on cotton goods be increased to 33⅓ per cent. and that on woolen goods to 28 per cent., which was Dallas' original proposition.† Strong opposition developing, the motion was withdrawn the next day to allow Clay to introduce a motion laying a duty of 33⅓ per cent. on cotton goods only. This was done, Clay said, to see how far the House would go in its protective

* McMaster, vol. iv., pp. 337–338.

† Appleton, *Introduction of the Power Loom and Origin of Lowell*, p. 13; Bishop, *History of Manufactures*, vol. ii., pp. 196–197, 226.

‡ In speaking of this policy of selling goods below cost in the United States, Lord Brougham said: "It was well worth while to incur a loss upon the first exportation, in order, by a glut, to stifle in the cradle those rising manufactures in the United States which the war had forced into existence, contrary to the natural course of things. The enormous amount of, I believe, eighteen millions worth of goods was exported to North America in one year."—Hansard, *Parliamentary Debates*, vol. xxxiii., p. 1099.

* Stanwood, *Tariff Controversies*, vol. i., pp. 140–141.

† *Annals of Congress*, 14th Congress, 1st session, p. 1234.

policy.* He urged ample protection, but, after several speeches in opposition, the amendment was rejected by a vote of 51 to 43.† Timothy Pickering, of Massachusetts, then moved that the minimum clause be stricken out entirely, but this motion was defeated by a large vote. Clay now moved that the duty be made 30 per cent. and on March 22, after a long debate, this was adopted by a vote of 68 to 61.‡ But its value was partially destroyed, as Webster secured the passage of a resolution that these rates apply for a period of two years only, after which it was to be 25 per cent. for the next two years, and then 20 per cent. permanently.|| But the majority was not willing to go so far, and the rate was subsequently changed to 25 per cent. for three years, after which it was to drop to 20 per cent.§

Benjamin Huger said that fortunes were being made by the production of raw sugar and moved that the duty on brown sugar be reduced from 4 to 2½ cents per pound.¶ Lowndes and Robertson thought the duty was now too low and Calhoun also favored a higher duty.** After an attempt to fix the rate at 5 cents, Clay moved that the rate be 3½ cents and this was adopted on March 24 by a vote of 64 to 58.* Changes in the duties on lump sugar, gunpowder, copper sheets, lead, iron and steel wire, clocks, and cotton laces were quickly passed. A motion to increase the duty on iron in bars from 75 cents to $1.25 per hundredweight was overwhelmingly defeated. The low tariff men, seeing their advantage, moved to reduce the duty to 50 cents and then again to 37½ cents, but this motion was defeated and the rate was fixed at 45 cents — a bad defeat for the new manufacturers, and the protective policy. The duty on manufactured wool was reduced also — from 15 to 7½ per cent — but the duty was struck out altogether by the Senate.† On March 28 the committee rose and reported the bill in its amended form to the House.‡

On April 2 the bill came before the House. The first vote was on the reduction of the duty on wool, which was carried by a vote of 73 to 42.|| Forsyth, of Georgia, then moved that the duty on cottons be made 20 per cent. after June 30, but this was defeated by a vote of 69 to 65.§ Hardin, of Kentucky, moved that the duty should be 25 per cent. for two years and 20 per cent. thereafter, which

* *Annals of Congress*, p. 1237; Bishop, *History of Manufactures*, vol. ii., p. 226.

† *Annals*, p. 1237.

‡ *Ibid*, pp. 1239–1247.

|| *Ibid*, pp. 1257, 1270.

§ McMaster, vol. iv., p. 339; Stanwood, *Tariff Controversies*, vol. i., pp. 142–144, 145–147; Adams, *United States*, vol. ix., pp. 114–115; Curtis, *Life of Webster*, vol. i., pp. 152–153.

¶ *Annals*, p. 1258; Benton, *Abridgment*, vol. v., p. 632.

** *Annals*, pp. 1258–1262; Benton, pp. 632–633.

* *Annals*, p. 1263; Benton, p. 633.

† Stanwood, *Tariff Controversies*, vol. i., pp. 144–145, 147.

‡ *Annals*, pp. 1268–1277, 1283–1289.

|| *Ibid*, p. 1312.

§ *Ibid*, p. 1313.

motion was carried by a vote of 84 to 65.* It was then moved that the duty of 25 per cent. be extended for three years, after which it was to be 20 per cent., and this motion was carried by a large majority.† The House, by a vote of 89 to 51, next reduced the duty on iron to 45 cents per hundredweight and, by a vote of 86 to 56, cut the duty on sugar from 3½ cents to 2 cents per pound.‡ Pickering then secured the passage of an amendment providing that cotton piece-goods imported in American vessels which should have sailed for the United States before February 1, 1816, and which should arrive before March 1, 1817 (the original cost of which should be less than 25 cents per square yard), should pay a duty of 33⅓ per cent. on the cost, with the usual 20 per cent. added.||

The consideration of amendments being finished, Randolph moved that the House strike out the minimum clause with respect to cotton goods; but, after a long speech by Calhoun§ April 6 and after a motion to reduce the minimum to 15 cents per square yard had been rejected by a vote of 66 to 72, Randolph withdrew his motion.* Several other attempts were made to alter rates, but were rejected and on April 8 the bill was ordered to its third reading. Randolph then moved that further consideration be postponed until December, but after the motion had been defeated by a vote of 95 to 47, the bill was passed by a vote of 88 to 54.†

In the Senate consideration of the bill began on April 15. As the protectionists were much stronger in this body than in the House, all hostile amendments were defeated by large majorities. The House rates were not changed in any important particulars with the exception of that on sugar, which was raised from 2½ to 3 cents per pound. On the 20th the bill was passed without a division and returned to the House.‡ The latter concurred in the minor amendments without debate and the increase on sugar was accepted by a vote of 54 to 48.|| On the 25th the House again

* *Annals*, p. 1315; Benton, p. 637. Stanwood (p. 148) points out that the New England members voted against the high duty in the proportion of two to one; the members from New York, New Jersey, Pennsylvania and Ohio favored high protection in the proportion of four to one (36 to 8); while the members from States south of Pennsylvania stood five to one against high protection (53 to 11).

† *Annals*, pp. 1316–1325; Benton, pp. 637–639.

‡ *Annals*, pp. 1326–1327.

|| *Ibid*, p. 1329; Stanwood, *Tariff Controversies*, vol. i., pp. 148–150.

§ For a resumé of which see Von Holst, *Life of Calhoun*, pp. 33–35. The text is given by Jenkins, *Life of Calhoun*, pp. 104–117; see also pp. 118–129.

* *Annals*, pp. 1329–1337; Benton, *Abridgment*, pp. 640–643.

† *Annals*, pp. 1350–1352; Benton, p. 645; Stanwood, *Tariff Controversies*, vol. i., pp. 150–153. Thompson (*History of Protective Tariff Laws*, p. 135) classifies the vote as follows: New England 16 yeas, 10 nays; Middle States, 44 yeas, 10 nays; Western States, 14 yeas, 31 nays. See also O. L. Elliott, *The Tariff Controversy in the United States*, in *Leland Stanford Jr. Univ. Monographs in History and Economics*, no. 1., pp. 163–191.

‡ For the debate see *Annals*, pp. 311, 321, 326–331, 334.

|| *Annals*, p. 1438.

passed the act and it became law on April 27, 1816, by the President's signature.*

As finally passed, the bill provided for prohibitory duties on cloth and foreign articles with which the country could be fully supplied by home manufacturers. Articles with which domestic manufacture could not fully supply the country were to be taxed 20 per cent. *ad valorem,* while those consumed in large quantities but made almost entirely abroad were to be taxed for revenue only. The schedule included 109 articles, on which separate or specific duties were imposed and five rates of *ad valorem* duties. There were a free list, a discriminating duty on goods, merchandise, etc., imported in vessels of foreign ownership, and a continuation of the bounty and drawbacks on pickled fish and sugar exported. The principle of the minimum was introduced. The law provided that after June 30, 1816, all cotton fabrics, except nankeens direct from China, the cost of each square yard of which at the place whence imported was less than $.25 (20 per cent. being added if that place were the Cape of Good Hope or beyond it, and 10 per cent. if elsewhere) should be considered to have cost that much and the duty levied accordingly. The effect of this was to double and treble the rates and to put a stop to the importation of low-priced India or negro cloths, which were thenceforth manufactured in this country.*

The framers of the tariff, however, had ignored agents which were destined in time to break down the tariff, destroy the manufactures it was intended to prop, and prostrate the retail business. After the war thousands of men were thrown out of employment in England and turned to other channels of industry. The competition for work which followed tended to lower the wages of labor, with the result that English manufacturers were able to produce fabrics much cheaper than before and could sell these fabrics at most tempting prices. To find a market for his goods, the British manufacturer turned to America; but, as the tariff had already gone into effect, it was necessary to resort to indirect means. Therefore he devised a most ingenious plan.† Two agents, one of whom was kept ignorant of the value of the goods, were sent to some American city, and to one of them the manufacturer would pretend to sell his goods at a price much less than the cost of manufacturing. The manufacturer would then present the invoice setting forth this false state-

* *United States Statutes-at-Large,* vol. iii., p. 310; *Annals,* pp. 1870–1875.

* McMaster, vol. iv., pp. 339–340; Taussig, *Tariff History,* p. 30; Bishop, *History of Manufactures,* vol. ii., pp. 227–228. On the question as to whether this was in reality a protective tariff, see Stanwood, *Tariff Controversies,* vol. i., p. 154 *et seq.;* Bishop, p. 229; Thompson, *History of Protective Tariff Laws,* chap. xiv.

† *American State Papers, Finance,* vol. iii., p. 501.

ment of sale to the American consul at the port of shipment for endorsement, and of course the duties levied at the costom house in America would be levied upon the prices stated in the invoice. Having passed the custom house, the goods would be sold by the first agent to the second agent, who knew the exact cost of the goods and whose duty it was to sell them. None of these men were liable to punishment under the law, for the owner of the goods resided in a foreign land. The agent to whom the goods were shipped had no knowledge of the value of the goods save the false invoices, and the second agent was not a party to the fraudulent transaction at the custom house. Immediately upon receipt of the goods, the second agent would sell them at auction and thus avoid storeroom charges, clerk hire and the import license tax, all which gave them a still greater advantage over the American merchants.*

Again, when the American merchant would order goods from England for a particular market, the British manufacturers would immediately send a duplicate shipment invoice at reduced prices, and, by the aid of his two agents operating under the auction system, would sell his own goods before the American merchant would have his packages in his store. Furthermore, the auction encouraged a new kind of fraud. When goods in their original packages were being auctioned the invoice could not be seen nor could the goods be examined. Knowing this, the British manufacturers turned out articles poor in quality, though fine in appearance; selling them at the higher price, though the cost of their manufacture had been considerably smaller.

Perceiving that they were being slowly but surely ruined by this system, the merchants and traders of New York in February of 1817 petitioned the legislature to stop the retail auctions by imposing a prohibitive tax;* but the licensed auctioneers then in New York protested and stated that the evil of which the merchants complained was only temporary and would soon pass away, having been caused by the war and the great changes in conditions in Europe. Futhermore, they said that taxes would not clarify the atmosphere, but would create still further hardship by driving the auctioneers outside the State, which would thus be the poorer from the loss of the taxes paid by the auctioneers. This argument had great weight with the legislature, and no new taxes were laid.

A petition was sent to Congress on February 4, 1817, requesting that the tariff of 1816, instead of being limited to two years, should be made permanent; that inspectors be appointed to examine the goods imported to make certain that the invoices rendered

* McMaster, vol. iv., pp. 340–341.

* Stanwood, *Tariff Controversies*, vol. i., p. 169.

were not false; that a duty of 10 per cent. be levied on sales at auction of foreign goods, with one or two exceptions, and that more severe laws be passed against smuggling.* But memorials and petitions were for some time unavailing and the merchants appealed to the State legislatures for protection.

In this appeal they were to a great extent successful. The Connecticut Assembly resolved that it was expedient that the people of that State should buy and use American cotton and woolen fabrics in preference to foreign-made goods.† The New York legislature in March of 1817 recommended that the State's Representatives in Congress should request higher duties; that all the public officials should wear American-made clothes only;‡ that no taxes should be laid on the buildings and plants of cotton and woolen mills, etc.|| The Pennsylvania senate, regretting that the State could afford no adequate protection, called upon the Government for a law exempting factories from taxation and workmen from duty in the militia and bade their members in Congress put forth every endeavor to secure the enactment of such measures as would protect and encourage home manufactures.* The New Hampshire legislature recommended the formation of associations for encouraging agriculture and manufacturing, offering each association thus formed $100 to be used as premiums.†

During its second session the Fourteenth Congress (1816–1817) received 40 memorials. The cotton manufacturers of Massachusetts, Connecticut and Pennsylvania petitioned for protection against the low-priced goods from England and India. The printers and paper manufacturers wanted protection against Holland and France; and the sugar planters of Louisiana, the hemp growers of Kentucky, the gunsmiths of Lancaster, Pennsylvania, the hat makers of New York, and the cordage manufacturers of Massachusetts were equally as insistent in their demands for protection.‡ The Pittsburgh memorialists complained that there was an alarming depression in the manufacture of cotton, woolen goods, flint glass, and the finer articles of iron. They said that some branches of trade had been destroyed entirely or partially suspended; that the tide of importation had inundated the country with foreign goods; and that some of the most valuable and enterprising citizens had been overwhelmed with bankruptcy and ruin, while others had suffered

* *American State Papers, Finance*, vol. iii., pp. 168–169; *Annals of Congress*, 14th Congress, 2d session, pp. 849–851.

† *Niles' Register*, vol. xii., p. 300.

‡ *Ibid*, vol. xii., p. 78; Bishop, *History of Manufactures*, vol. ii., p. 237.

|| See the report in *Niles' Register*, vol. xii., pp. 235–236.

* *Niles' Register*, vol. xii., pp. 39–41.

† *Ibid*, vol. xii., p. 314; McMaster, vol. iv., pp. 345–346.

‡ Coman, *Industrial History of the United States*, pp. 186–187. See also O. L. Elliott, *The Tariff Controversy*, pp. 192–200.

enormous losses.* At about this time (June of 1817) the American Society for the Encouragement of American Manufactures was formed under the auspices of New York capitalists, not only to cultivate a public sentiment favorable to a National policy of protection, but also with the idea of operating upon Congress. Vice-President Tompkins was president of this society and John Adams, Jefferson, Madison and Monroe were elected to membership. Various local societies were established in different States and memorials were sent to Congress.†

The importers and manufacturers, however, were not the only ones to experience dull times, for the shippers also suffered from lack of trade. After the signing of the Treaty of Ghent terminating the war, Gallatin, Clay and Adams immediately entered upon the arrangement of a commercial convention with Great Britain to supplement the peace. In their negotiations the commissioners attempted to introduce neutral rights, but the British government refused to treat upon that basis, and commercial relations alone were dealt with.‡ A tedious and not altogether pleasant or satisfactory discussion ensued, and not until July 3, 1815, was a commercial convention framed to continue for four years, ratifications being exchanged the following December.* The first part of this convention related to trade with the European possessions of Great Britain, and provided that neither power should impose a discriminating duty on the products or ships of the other. The second part related to the British West Indies and North American possessions, the traffic between which and America was to be regulated as either country saw fit. The third part had to do with the British possessions beyond the Atlantic, and specified that trade must be direct.†

The first part of the convention, forbidding the imposition of a discriminating duty, necessitated the repeal of the act which imposed a higher duty on vessels and goods brought in British vessels than on goods brought in American-owned ships.

Accordingly Senator Forsyth reported a bill on December 29 providing the same duties on British articles brought in British or American ships, the same tonnage duties on British ships as on American ships, except those which came from the East or West Indies or from British North American possessions, and the same

* See the report in *Niles' Register*, vol. xii., pp. 129–135.

† Schouler, *United States*, vol. iii., p. 43; *Niles' Register*, vol. xii., pp. 311–313, 412–413.

‡ See the letters of the commissioners in *Niles' Register*, vol. ix., p. 334 *et seq.*

* For text see *American State Papers, Foreign Relations*, vol. iv., pp. 7–8; *Annals of Congress*, 14th Congress, 1st session, pp. 1478–1481; *Niles' Register*, vol. ix., pp. 310–312. A resumé is given in Snow, *Treaties and Topics in American Diplomacy*, pp. 76–77. The correspondence will be found in *Annals*, p. 1481 *et seq.*

† *American State Papers, Commerce and Navigation*, vol. ii., pp. 248–249, and *Foreign Relations*, vol. iv., pp. 7–8; *Niles' Register*, vol. ix., pp. 310–312.

bounty on the exportation of American products in British as in American vessels.* This was soon passed† and sent to the House. There violent opposition arose, but after a sharp discussion the bill was passed on January 13 by a vote of 86 to 71.‡ Immediately the merchants of Nova Scotia and New Brunswick secured the passage of an act called the "Plaster of Paris" act, which would regulate the transportation of plaster of paris (none of which could be delivered in any port east of Boston) so that no American coaster might carry it to the place of consumption. An export duty of 20 shillings per ton was laid by New Brunswick and Nova Scotia on such plaster of paris as might be delivered at any port east of Boston, in consequence of which 15,000 tons of American shipping became idle.‖ Futhermore, being free to regulate her colonial trade as she saw fit, Great Britain immediately proceeded to shut American ships out of the West Indies, and prohibited the transportation thither of American flour, corn, rice, potatoes, peas, beans, lumber, pork, poultry, horses, mules and cattle except in vessels owned by British subjects.* By this enactment 80,000 tons of American shipping became idle. The shipping interests were now prostrate. All branches of trade connected with the shipping interest languished and thousands of mechanics were thrown out of employment, thus producing a numerous class of people dependent on charitable institutions. Relief societies, particularly in New York and Philadelphia, afforded considerable relief, but so widespread did the distress become that the means of these associations were not adequate to the increasing demands made upon them.†

Naturally, too, the financial condition of the manufacturers at this time was not flourishing. In explaining the tariff bill of 1824 which he had just introduced, John Tod, of Pennsylvania, chairman of the Committee of Ways and Means, said that in 1816 probably nine-tenths of the manufac-

* *Niles' Register*, vol. ix., p. 330.

† For the debate in the Senate see *Annals of Congress*, 14th Congress, 1st session, pp. 46–90, 130–131, 160; Benton, *Abridgment*, vol. v., pp. 446–460.

‡ *Niles' Register*, vol. ix., pp. 361–362. Niles (vol. ix., supplement, pp. 9–54) gives some of the speeches complete. For the complete debate see *Annals of Congress*, 14th Congress, 1st session, pp. 419–420, 454–458, 462–494, 522–674; Benton, *Abridgment*, vol. v., pp. 492–546.

‖ To offset this, Congress passed an act forbidding the importation of plaster of paris into the United States, thus cutting off altogether the trade of Nova Scotia (Stanwood, *Tariff Controversies*, vol. i., p. 165; *Niles' Register*, vol. xii., p. 301).

* See the report of secretaries Monroe and Crawford in *American State Papers, Commerce and Navigation*, vol. ii., pp. 31–35.

† Bishop (*History of Manufactures*, vol. ii., p. 230) says that "as a means of alleviating the present and prospective distress of the laboring classes" the first savings institutions in the country were organized toward the close of 1816. At Philadelphia the Saving Fund Society opened for business December 2; and on the 13th the Provident Institution for Savings was incorporated at Boston. On November 25 the Bank of Savings in the City of New York was formed under the auspices of the Society for the Prevention of Pauperism, but it was not incorporated until March of 1819.

turers were in debt and only slowly getting out of it by means of the weekly profits of their business. The iron industry was perhaps the worst sufferer, which probably accounts for the protection sentiment in New York, Pennsylvania, and New Jersey. The raw iron consumed (chiefly in the form of bars) was about 50,000 tons per year, while the importations amounted to 12,293 tons in 1816, 21,-160 tons in 1817, 17,620 tons in 1818, 18,311 tons in 1819, 22,459 tons in 1820, 19,339 tons in 1821, and 31,707 tons in 1822.*

The cotton manufacturing industry also was in poor shape. But one company had weathered the terrible deluge of excessive importations in 1815 and 1816. This was the Boston Manufacturing Company, whose managers had urged the minimum clause incorporated in the tariff act of 1816. Though the law imposed a duty of not less than 6¼ cents per square yard on all cotton cloths, the Boston Manufacturing Company regarded the protection it received as sufficient, and was able to pay dividends, ranging from 12½ per cent. in 1818 and 1819 to 27½ per cent. in 1822. Many of the other manufacturers went into bankruptcy, and with all the struggle to survive was severe. Gradually, with the adoption of the power-loom and other mechanical improvements they recovered.† The minimum clause imposed a duty of nearly 80 per cent. on coarse goods, which would have been prohibitory had not the foreign manufacturers and importers interpreted the words of the act "material of chief value" as "material of the highest price." As linen was more costly than cotton per pound, they mixed a little linen with the cheap cotton goods and thereby got their goods through the custom house at a duty of 15 per cent.*

The first movement to change the tariff was made in 1818. The opinion seemed to be general that two mistakes had been made in the tariff of 1816: the time limit of three years set upon the 25 per cent. duty on cotton and woolen goods, and the low rate imposed on forged bar iron and other forms of iron. Early in the first session of the Fifteenth Congress (1817–1818) several bills were introduced by the Committee of Ways and Means, but discussion did not begin in the House until April 12, 1818, only a week before the session's close. On the 15th the House passed two bills —one increasing the duties on imported iron in bars and bolts, iron in pigs, castings, nails and alum and disallowing the drawback on the reëxportation of gunpowder; and the other increasing the duties on "certain manufactured articles."† On the 16th a bill was passed extending the

* Stanwood, *Tariff Controversies*, vol. i., pp. 171–172.

† Taussig, *Tariff History*, p. 31 *et seq.*

* Stanwood, *Tariff Controversies*, vol. i., pp. 173–174.

† Copper manufactures, cut glass, Russia sheetings, and a few other articles.

duration of the 25 per cent. duty on cottons and woolens until June 30, 1826. The Senate promptly passed these bills with an important amendment, and they became law on April 20.*

Probably the most important part of the enactments was that relating to iron. In the act of 1816 a discrimination was made for the first time between iron in bars and bolts when manufactured by rolling and iron that was not so manufactured. On rolled iron a duty of $1.50 per hundredweight was laid, whereas on hammered or forged bars only 45 cents per hundredweight was laid.† When the tariff of 1818 was under consideration, no one seems to have desired to change this discrimination; and, although the duty on rolled iron was almost prohibitory, no one wished to lessen it. The manufacturers desired to exclude rolled iron because it was inferior to the hammered bars in quality and lower in price and also because rolled iron was not made in this country. In the tariff of 1818 the rate on hammered bar iron was raised by the House from 45 cents per hundredweight (the 1816 rate) to $1, but the Senate, by a vote of 19 to 15, cut down the rate to 75 cents. The act imposed also the first specific duty on pig-iron — 50 cents per hundredweight.* Nevertheless, in spite of the higher duty, the American iron makers contined to encounter keen competition in the shape of large importations of iron.†

* *United States Statutes-at-Large*, vol. iii., p. 460; *Niles' Register*, vol. xiv., pp. 215–218; Stanwood, *Tariff Controversies*, vol. i., pp. 175–176. For the debates see *Annals of Congress*, 15th Congress, 1st session, pp. 1726–1737, 1740–1743, 2550–2556, 2559–2562, 2580–2583.

† Taussig, *Tariff History*, p. 50.

* Taussig, p. 51.

† Stanwood, *Tariff Controversies* vol. i., pp. 176–178; Bishop, *History of Manufactures*, vol. ii., p. 242.

CHAPTER XXVII.

1815–1816.

END OF THE WAR WITH THE BARBARY POWERS.

Resumption of depredations on American commerce — Madison's request for a declaration of war — Departure of the American squadrons — Capture of the *Mashouda* and *Estedio* — Decatur's treaty with the Dey — The loss of the *Epervier* — The payment of indemnities by Tunis and Tripoli — Submission of Algiers — End of the war.

While the people were thus laboring to restore better economic conditions at home, their attention was drawn to the condition of foreign relations, particularly those concerning the protection of the rights of American seamen in the Mediterranean. It will be remembered that on September 5, 1795, a treaty with Algiers had been concluded by which the United States

agreed to pay the Dey of Algiers $21,600 annually in maritime stores as tribute for freedom from molestation in the Mediterranean. This tribute had been paid year after year, to the entire satisfaction of the Dey. But when the War of 1812 came on, the Dey, undoubtedly assured by a British agent that America would soon be conquered,* began to act in a very hostile manner. When the ship *Alleghany* arrived, carrying the usual tribute, the Dey complained of the quality and paucity of the goods sent him and refused to receive them. On July 25, 1812, he ordered the vessel to leave port immediately and the American consul, Tobias Lear, with her, in spite of every attempt made by that officer to explain matters.† The Dey found a provocation also in the laws that regulate the motions of the earth and moon. The Moors computed time by the moon, whereas the Christian people reckoned it by the sun. The Mohammedan year, therefore, consisted of 345 days, and thus during the 17 years in which the United States had been paying tribute to Algiers, the difference in the time amounted to some six months in the Dey's favor. The Algerine then had the impudence to insist that the years referred to in the tribute agreement were Mohammedan and not Christian years, and therefore that the United States owed him $27,000.* A demand was immediately made on Lear for this sum, and, believing it expedient to comply with the outrageous order, Lear borrowed the money for 30 days, later paying $6,750 for it.† Nevertheless, as soon as the ship, cargo and consul were gone, and as soon as he received the money the Dey began a piratical warfare on American vessels. These outrages had to be endured while the war with England was in progress, and the persons captured by the Dey were reduced to the necessity of waiting for the return of peace before they could hope to be rescued. Madison endeavored to secure their release by confidential and friendly negotiation, but the terms demanded by the Dey were so preposterous that nothing could be done.‡ When the war with Great Britain was terminated, Madison, on February 23, 1815, sent a message to Congress in which he recommended a declaration of war.||

Congress willingly complied with the President's recommendations§ and two squadrons were soon assembled at Boston and New York, Captain William Bainbridge being in command of the former and Stephen Decatur of the latter. On May 18, 1815, the squadron under Commodore Deca-

* See Cooper, *Naval History*, vol. iii., p. 8; Mackenzie, *Life of Decatur*, pp. 260–262.

† Allen, *Our Navy and the Barbary Corsairs*, pp. 276–277; Maclay, *History of the Navy*, vol. ii., pp. 86–87.

* Schuyler, *American Diplomacy*, p. 221.

† See Lear's report in *State Papers* (Wait) vol. ix., pp. 127–144.

‡ See the report of the committee, *American State Papers, Foreign Relations*, vol. iii., p. 748.

|| Richardson, *Messages and Papers*, vol. i., p. 554; *Niles' Register*, vol. viii., p. 24.

§ For the debate and other proceedings, see *Niles' Register*, vol. viii., pp. 25–26.

tur, consisting of the frigates *Constellation,* 36 (Captain Charles Gordon), the *Macedonian,* 38 (Captain Jacob Jones), the *Guerrière,* 44, flagship (Captain William Lewis); the sloops-of-war *Epervier,* 18 (Captain John Downes), and *Ontario,* 16 (Captain Jesse D. Elliott); the brigs *Firefly,* 14 (Lieutenant George W. Rodgers), *Spark,* 14 (Lieutenant Thomas Gamble), and *Flambeau,* 14 (Lieutenant John B. Nicholson); and the schooners *Torch* and *Spitfire,* 12's (Lieutenants Wolcott Chauncey and Alexander J. Dallas),* set sail and in a little more than three weeks arrived at Gibraltar. Nothing was heard of the enemy until June 15, when Decatur learned that the Algerian chief, Rais Hammida, the terror of the Mediterranean, had passed the straits two days before in the 46-gun frigate *Mashouda.*† Decatur immediately set out in pursuit, and in the early dawn of June 17, sighted the Algerian vessel. She was lying to off the coast, and everything about her seemed to show that the commander had no suspicion of the character of the American squadron; wherefore Decatur ordered that nothing be done to arouse his suspicions. The commander of the *Constellation,* however, misunderstood the order, and when about a mile from the enemy hoisted the American flag.* Though all the other ships displayed English colors, Hammida was not deceived and crowding on every inch of sail his ships would stand, he made for the coast of Algiers.† The *Constellation,* however, began to fire at long range and succeeded in putting several shot upon the deck of the corsair, whereupon she turned about and headed for Cartagena. Decatur in the *Guerrière* then bore down upon the enemy and, reserving his fire until the two ships were very close, poured in broadsides in such rapid succession as to create fearful havoc among the crew of the *Mashouda.*‡ At the first broadside Hammida was cut in two by a chain shot, but the Moors refused to surrender and made every effort to escape. In doing so they crossed the path of the *Epervier,* which, though vastly inferior in size, fired broadside after broadside until the *Mashouda* struck her colors.‖ About 30 were killed aboard the *Mashouda* and 406 prisoners were taken.§

Decatur then dispatched his prisoners to Cartagena and continued his search for the remainder of the Algerian fleet, but not until June 19 did he sight a sail not far from Palos. A

* *Niles' Register,* vol. viii., p. 231. See also Allen, *Our Navy and the Barbary Corsairs,* p. 281. Cooper (*Naval History,* vol. iii., p. 9) gives the armaments differently, as does Maclay (*History of the Navy,* vol. ii., pp. 88–89). Some give the date as May 20.

† Maclay, *History of the Navy,* vol. ii., p. 91.

* Cooper, *Naval History,* vol. iii., p. 10.

† Maclay, *History of the Navy,* vol. ii., pp. 92–93.

‡ Brady, *Life of Decatur,* p. 110.

‖ Allen, *Our Navy and the Barbary Corsairs,* pp. 282–284; Maclay, *History of the Navy,* vol. ii., p. 94.

§ Decatur's report in *American State Papers, Naval Affairs,* vol. i., p. 396. See also Cooper, *Naval History,* vol. iii., p. 10.

running fight of three days' duration followed, at the end of which the Algerian vessel ran into shoal water off the Spanish coast, where none of the American vessels except the *Torch,* the *Spark,* the *Spitfire* and the *Epervier* could follow. As these vessels kept up a hot pursuit, the Moors grounded their ship between the towns of Estacio and Albufera, and took to their small boats, whereupon the vessel fell captive to the American ships. The prize was then floated off and sent to Cartagena. It proved to be the Algerian brig *Estedio* (or *Estido*), 22, with a crew of 180 men, of whom 80 were captured.* On boarding her, 23 of the crew were found dead, all the others having escaped.†

Decatur then lead his squadron toward Africa for the purpose of intercepting the rest of the Dey's fleet and of opening communications with the Dey. On June 28 Algiers was sighted, and at first glance it seemed to be almost impregnable, for in the mole which made the harbor were mounted 220 heavy guns, while on the walls surrounding the city were mounted 300 more. Taking a position beyond reach of these guns, Decatur sent an invitation to the Swedish consul and the captain of the port to come aboard. Decatur then informed them that the *Mashouda* and the *Estedio* had been captured and Hammida killed, and that he wished to negotiate for peace.* The captain of the port proposed that those in charge of the peace negotiations should hold their sessions on land, but, as his purpose was plainly to gain time, Decatur insisted that peace be made on the deck of the *Guerrière* or not at all, and the Moor went back to consult his superiors.† Decatur stipulated that the Dey forego all claims to future tribute; free all prisoners without ransom, repay in money the value of the goods and property taken from them; pay $10,000 to the owners of the *Edwin,* captured some time previous by the Algerian cruisers; promise to emancipate any Christian slave in Algiers who should escape to an American man-of-war; treat captives taken in any future war not as slaves, but as prisoners of war exempt from labor; and guarantee that American commerce would never again be molested.‡ The captain of the port protested that the terms were too hard, but Decatur refused a minute's delay, and the Moorish agent hurried ashore with the intention, if the Dey accepted the terms, of returning with a white flag in his boat.‖ While the captain

* Decatur's report in *American State Papers, Naval Affairs,* vol. i., p. 396. See also Allen, *Our Navy and the Barbary Corsairs,* p. 284.

† Brady, *Life of Decatur,* pp. 111–112; Cooper, *Naval History,* vol. iii., p. 11; Maclay, *History of the Navy,* vol. ii., pp. 95–96.

* Shaler, *Sketches of Algiers, Political, Historical and Civil,* app. D.

† Cooper, *Naval History,* vol. iii., pp. 11–12.

‡ Allen, *Our Navy and the Barbary Corsairs,* p. 286; Maclay, *History of the Navy,* vol. ii., pp. 96–97.

‖ Brady, *Life of Decatur,* p. 113; *American State Papers, Foreign Relations,* vol. iv., p. 6; Maclay, *History of the Navy,* vol. ii., p. 97.

of the port was ashore, an Algerian vessel loaded with Turkish soldiers hove in sight. Decatur cleared his ship for action, and was about to attack the enemy when a boat containing the captain of the port was seen rapidly approaching with a white flag. The *Guerrière* thereupon hauled about, the captain of the port came aboard, and in a few minutes the treaty was signed (June 30).* All the American captives were released, and, as Ingersoll says, "Tribute renounced forever, prisoners emancipated, compensation for whatever losses were stated, together with stipulations for the humanities of international law, were the terms of this treaty, which served as a model to similar conditions soon afterwards submitted to unresistingly by Tunis and Tripoli." When the treaty was signed Decatur voluntarily returned to the Dey the two vessels previously captured.† Before proceeding further, Decatur determined to send one of the smaller American vessels to the United States with the news of his success. The *Epervier,* Lieutenant John T. Shubrick in command, was selected, but, after passing the straits of Gibraltar on July 12 that vessel never was seen or heard of afterward; and when and how she met her fate is still a mystery.*

After dispatching the *Epervier,* Decatur left Algiers and on July 26 anchored off Tunis to demand satisfaction for an insult to the Americans during the late war. An American privateer, *Abellino,* had sent prizes into Tunis (a neutral port), but the Dey had allowed the British cruiser *Lyra* to retake them in defiance of neutral rights and treaty stipulations, and for these actions Decatur demanded the payment of $46,000 within twelve hours, under pain of an immediate attack.† The terms were accepted, the money was paid,‡ and Decatur proceeded to Tripoli, which he reached on August 5. The Pacha (or Bashaw) had doubly offended in allowing the British cruiser *Paulina* to take out from the port two prizes sent in by the *Abellino* and by forcing the American consul to lower his flag. Decatur demanded $30,000 for the prizes and that the flag be saluted by 31 guns. The Pacha blustered, refused, gathered an army of 20,000 men, and threatened to declare war; but Decatur had begun to take soundings preliminary to commencing a bombardment, and the Pacha quickly sub-

* *American State Papers, Foreign Relations,* vol. iv., pp. 4–6; *Niles' Register,* vol. ix., pp. 312–314; Allen, pp. 287–288, 320–322; *Annals of Congress,* 14th Congress, 1st session, pp. 1470–1475.

† Decatur's report in *American State Papers, Naval Affairs,* vol. i., p. 396. See also Schuyler, *American Diplomacy,* pp. 222–223; Waldo, *Life of Decatur,* pp. 273–278.

* Maclay, *History of the Navy,* vol. ii., pp. 98–99; Allen, *Our Navy and the Barbary Corsairs,* p. 289; Cooper, *Naval History,* vol. iii., p. 13.

† Brady, *Life of Decatur,* p. 116; Cooper, *Naval History,* vol. iii., p. 14.

‡ Decatur's report in *American State Papers, Naval Affairs,* vol. i., p. 397; Allen, pp. 289–290; Noah, *Travels in England, France, Spain and the Barbary States,* p. 264 *et seq.;* Maclay, *History of the Navy,* vol. ii., pp. 99–100.

sided. The indemnity was reduced to $25,000, in consideration of which ten persons were released, two of whom were Danes and the others Sicilians.*

Meanwhile Commodore Bainbridge had arrived at Gibraltar with his squadron consisting of the *Independence,* 74, flagship (Captain William M. Crane); the frigates *United States,* 44, (Captain John Shaw), and *Congress,* 36 (Captain Charles Morris); the sloop-of-war *Erie,* 18 (Captain Charles G. Ridgely); the brigs *Chippewa, Saranac, Boxer,* and *Enterprise,* 14's (lieutenants George C. Read, John H. Elton, John Porter, and Lawrence Kearney); and the schooner *Lynx,* 6 (Lieutenant George W. Stover).† After he had settled the difficulties with the Barbary powers Decatur joined Bainbridge; but, as the duplicity of the Barbary rulers was well known and as it was feared that their recent punishment would only instigate them to still more barbarous outrages, it was determined to divide the combined squadron, leaving part of it to winter in the Mediterranean while the other ships should proceed home. In October, therefore, Bainbridge returned home, where he found Decatur, who had reached New York on November 12.* The precaution proved to be wise, for during the winter and early spring of 1816 the Dey of Algiers again began to act in a hostile manner. The Dey had been persuaded that the treaty concluded by him was disgraceful, and was angry also because the brig (*Estedio*) which Decatur had promised would be returned to him and which was actually delivered to his officers, had been seized by the Spanish authorities as a ship which was captured within their waters, for which the Dey blamed the United States.† Furthermore, while Great Britain had been forced to pay about $400,000 for the liberation of 12,000 Neapolitans and Sardinians held in captivity, Decatur had forced the release of captives without the payment of a single dollar.‡ Therefore, when the treaty concluded the preceding year and duly ratified by the Senate was presented by the American consul to the Dey, it was returned with a note of such insolence that the consul, fearing for his safety, hauled down the flag and took up his abode aboard the *Java,* then under command of Commodore Perry.||

* Decatur's report in *American State Papers, Naval Affairs,* vol. i., p. 398; Cooper, *Naval History,* vol. iii., pp. 14–15; Allen, pp. 290–291; Maclay, *History of the Navy,* vol. ii., pp. 100–101; Schuyler, *American Diplomacy,* p. 224; Waldo, *Life of Decatur,* p. 279.

† Cooper (*Naval History,* vol. iii., p. 15) adds the *Firefly,* as does Maclay (*History of the Navy,* vol. ii., p. 102), who gives the armaments differently.

* Allen, pp. 292–294. Brady (*Life of Decatur,* p. 121) says November 18.

† Regarding this see the Dey's letter in Allen, pp. 335–337, and Madison's letter in Madison's *Works* (Congress ed.), vol. iii., p. 17.

‡ Mackenzie, *Life of Perry,* vol. ii., pp. 115–116. Mackenzie says only 1,200 captives, while Maclay says 12,000. McMaster (vol. iv., p. 356) also gives the latter figure.

|| Maclay, *History of the Navy,* vol. ii., pp. 102–103; Allen, pp. 295–296. Mackenzie (*Life of Perry,* p. 118) says the consul went aboard the *United States.*

Captain John Shaw, in command of that part of the fleet which had been left in the Mediterranean, immediately instituted measures for compelling the acquiescence of the Dey to the terms of the treaty. He arranged his fleet in a position to bombard the mole, and was about to begin the attack when the commander of a French ship discovered the preparations and notified the Dey, who immediately submitted.* The fleet then visited the Bey of Tunis, and thus ended operations on the Mediterranean, all the ships save four sailing for home in October.†

CHAPTER XXVIII.

1815–1817.

INTERNAL AFFAIRS — ELECTION OF MONROE.

Passage of the Compensation Bill and its unpopularity — Election of Monroe and Tompkins — The Federalist plot in Maryland — Enactments of Congress — The inauguration of Monroe — His tour through the North — Factional disputes in Pennsylvania and New York — Reforms and the adoption of a new constitution in Connecticut — Change in the election of governor in Maryland — Establishment of the University of Virginia.

While Decatur was punishing the Barbary pirates, while the merchants and manufacturers were adjusting their business to the new tariff, and while the Secretary of the Treasury was endeavoring to enforce the resumption of specie payment, the Presidential election was held and Congress had passed several acts which its members could scarcely justify.

One of these related to the pay of Congressmen. By a law passed by the First Congress in 1789, members of the House and Senate received mileage and $6 for each day's attendance at Congress. As its sessions generally last about five or six months, their total compensation approximated $1,000. Many of these men were of large capabilities, of considerable attainment, and could have made in private business or practice many times the sum allowed for their services to the Nation. Between the time when the law was enacted and the end of the war with Great Britain, the cost of living and the earning capacities of those in industrial or commercial life had greatly increased, but members of Congress still received what they did 27 years

* For the terms, which were nearly identical with those of the previous treaty, see Allen, pp. 297–300. Mackenzie says that the Americans abandoned the attack on the ground that as the treaty, though not ratified, had been in force since Decatur negotiated it, it was so far binding upon the United States as to require an interval of three months before beginning hostilities. Perry then visited the Dey and his visit resulted in the renewal of cordial relations. (Mackenzie, *Life of Perry*, vol. ii., pp. 120–122.)

† Maclay, *History of the Navy*, vol. ii., p. 104. In this connection, see also R. S. Rodgers, *Closing Events of the War with Tripoli*, in *Proceedings of the United States Naval Institute*, vol. xxxiv., pp. 889–916 (1908).

before, and Congressmen thought there was sufficient reason for a moderate increase. But a very different cause was assigned as a reason for changing the manner and the amount of compensation. As already stated, the members were paid at a certain rate per day of attendance, and it was evident that this method had much to do with the slowness with which Congress transacted its business. During the first session of the Fourteenth Congress only seven bills had been sent to the President ten weeks after convening, and it was thought that there was no reason why a body of 218 men should take six months or more to transact business that easily might be done in half the time. When the reformers cast about for a reason they found it in the manner of compensating Congressmen, and therefore they endeavored to change from a *per diem* to a fixed yearly payment.* On March 4, 1816, Richard Mentor Johnson requested that a committee be appointed to consider the matter and a few days later a bill was returned changing the pay from $6 per day to $1,500 a year for the members; to $3,000 each for the Speaker and the Vice-President, or, in case there were no Vice-President, for the President *pro tem.* of the Senate.† There was much opposition to the increase, but after debate, the bill was finally passed in the House on March 8 by a vote of 81 to 67* and sent to the Senate, where it met with little opposition. The Senate passed the bill on March 14, by a vote of 21 to 11† and on March 19 it was signed by the President.‡

When the law became known a great cry arose throughout the country, though the excitement was out of all proportion to the interests involved. It was said that the members of Congress would not consent to stay six months in session when the same pay would be received for rushing the necessary business through in a week, and that consequently the public business would be either neglected altogether or hurried through without careful consideration. Mass meetings were held in various parts of the country, petitions were drawn up and signed, and the opposition rapidly spread throughout the States.‖ The Congressmen who voted

* McMaster, vol. iv., pp. 357–360.

† *American State Papers, Miscellaneous,* vol. ii., pp. 299–300.

* *Annals of Congress,* 14th Congress, 1st session, pp. 1127–1134, 1158–1187; Benton, *Abridgment,* vol. v., pp. 610–621.

† *Annals,* pp. 184–193, 199–204; Benton, *Abridgment,* vol. v., pp. 464–468.

‡ Adams, *United States,* vol. ix., pp. 120–122; Fuller, *Speakers of the House,* pp. 45–46; *Annals,* p. 1801.

‖ "Who would have believed," asked John Randolph some time afterward, "that the people of the United States would have borne all the privations and losses of the late war, and of the measures that led to it; that they would have quietly regarded a national debt, swelled to an amount unknown,— to an amount greater than the whole expense of our seven years' war; that they would have seen the election of President taken out of their hands [meaning the new caucus system]; that they would have borne with abuse and peculation through every department of the government — and that the great Leviathan,

for the increase were roundly denounced, and threatened with retirement to private life on the approaching elections. During the elections held in August and September Congressmen who had voted for the act failed of re-election, though some (Clay, Calhoun, Johnson and Desha, for instance) came through safely.* Some months later, Clay said: "When I went home, I do not recollect to have met with one solitary individual of any description of party who was not opposed to the act, who did not, on some ground or other, think it an improper and unjust law,"† while Benjamin Hardin declared that hatred of the law was the one sure route to political office and popular favor.‡ Seven of the Kentucky members were not re-elected; Georgia sent back but one of her delegation; South Carolina but 3 out of 9; Maryland only 4 out of 9; Pennsylvania but 13 out of 23; and Connecticut 2 out of 7; while not a single member was returned from Ohio, Delaware or Vermont.||

While Congress was thus making itself unpopular, the choice of Presidential electors went on, the friends of various aspirants for the Presidency setting energetically to work in their behalf. The predominance of Virginia was still evident, but the New York Republicans were still jealous of Southern power, and this jealousy had extended to the most popular and influential politicians of the period, who thought it was high time for the Virginia dynasty to end. Some Southerners proposed the name of William Harris Crawford, but a Rhode Island State convention and a legislative caucus in Pennsylvania came out so strongly for Monroe that all hope of securing a President from the North was abandoned and the opposition united on Crawford. When the caucus was held for nominating candidates for the two offices (March 16, 1816) Monroe received 65 votes and Crawford only 54 for the Presidency, and Tompkins was nominated for the Vice-Presidency over Simon Snyder, of Pennsylvania, by a vote of 85 to 30.*

Although there was no hope of electing their candidate, the Federalists nominated Rufus King for the Presidency and left the choice for the Vice-Presidency entirely to the electors. The nomination of Monroe seems to have been approved everywhere, and when the elections were held in the fall Monroe overwhelm-

which slept under all these grievances, should be aroused into action by the Fifteen-Hundred Dollar law?"— *Annals of Congress*, 14th Congress, 2d session, p. 501.

* Sargent, *Life of Clay*, p. 68; Schurz, *Life of Clay*, vol. i., pp. 138–139; Rogers, *The True Henry Clay*, pp. 95–97; Jenkins, *Life of Calhoun*, pp. 134–135; Jefferson's letter to Gallatin in Gallatin's *Writings*, vol. ii., p. 5.

† *Annals of Congress*, 14th Congress, 2d session, p. 497.

‡ See also Adams, *United States*, vol. ix., pp. 136–137.

|| McMaster, vol. iv., p. 362; and *Life of Webster*, pp. 90–95.

* Adams, *Lives of Madison and Monroe*, pp. 298–299; Stanwood, *History of Presidential Elections*, p. 66.

ingly defeated his opponent. During the election the Federalists attempted to resort to fraud in Maryland. Under the constitution of that State, the State senate was chosen for five years by a body of electors sent from the counties. The number of these bore no relation to population, for the City of Baltimore, where there were then 6,000 voters, had only one elector — the same as Annapolis, with her 260 voters. The Federalists needed but one more elector to secure a Federalist senate for five years, and, as Annapolis was Republican by only about 30 majority, they decided to colonize the city in an effort to carry it. No citizen could vote in Maryland who had not resided for six consecutive months in one city or county, and in the latter part of the winter bands of laborers and mechanics began to take up their residences at the taverns of the city, claiming to be in search of work. Though they secured no work, they still continued to pay their bills, and did not seem to be particularly anxious as to their future; which caused the Republicans to suspect the real cause of their migration. The plot was soon uncovered, when it was proven that the laborers had been hired for $20 a month and their board to take up residence in Annapolis and vote the Federalist ticket. In consequence of this attempt to colonize, the Federalists suffered severely, and when the Presidential election took place they were able to elect only 3 of the 11 electors. They had much cause for remorse, for outside of Massachusetts, Connecticut and Delaware, not another electoral vote was secured for their party.*

At this time there were 221 electoral votes, as the admission of Indiana had added 3 more members to the electoral college; but one member did not vote in Delaware, while the 3 Federalist electors in Maryland refused to attend the State Capitol, and thus but 217 ballots were cast, as follows:†

Electoral votes	States	President		Vice-President	
		James Monroe, Virginia	Rufus King, New York	D. D. Tompkins, New York	John E. Howard, Maryland
8	New Hampshire	8		8	
22	Massachusetts		22		22
4	Rhode Island	4		4	
9	Connecticut		‡9		
8	Vermont	8		8	
29	New York	29		29	
8	New Jersey	8		8	
25	Pennsylvania	25		25	
3	Delaware		‖3		
8	Maryland	8		8	
25	Virginia	25		25	
15	North Carolina	15		15	
11	South Carolina	11		11	
8	Georgia	8		8	
12	Kentucky	12		12	
8	Tennessee	8		8	
8	Ohio	8		8	
3	Louisiana	3		3	
3	Indiana	3		3	
217	Total	183	34	183	22

Having provided for the executives during the next four years, the House turned to the enactment of public

* McMaster, vol. iv., pp. 367–368.

† Stanwood, *History of Presidential Elections*, p. 67; *Annals of Congress*, 14th Congress, 2d session, pp. 114, 138, 949; Adams, *Lives of Madison and Monroe*, pp. 299–300; Schouler, *United States*, vol. ii., pp. 511–512, 520.

‡ For Vice-President Connecticut gave 5 votes to James Ross, of Pennsylvania, and 4 votes to John Marshall, of Virginia.

‖ For Vice-President Delaware cast her 3 votes for Robert G. Harper, of Maryland.

James Monroe

measures. The compensation law had given so much displeasure to the country at large that a special committee was appointed to inquire as to the expediency of repealing it, the committee consisting of Johnson, Daniel Webster, William Findley, Timothy Pitkin and three others (Webster writing the report). The debate had to be postponed till after the holidays, and when it began no other business was considered for nine days, and when it was finished, the House, on January 23, by a vote of 138 to 27, decided to take the money, repeal the act after the close of the session, and defer the matter of pay for future consideration.* Among the other acts passed by Congress before March 4, was one authorizing the people of Mississippi to form a State constitution;† another organizing the new Territory of Alabama;‡ one admitting Indiana into the Union;‖ one regulating the trade in plaster of paris and stopping its importation from any country whence it could not be imported in American vessels;* and another (the navigation act) providing that on and after Octo- 1 no goods, wares or merchandise should be imported into the United States from any foreign port or place, except in American vessels, or in such foreign ships as actually belonged to citizens or subjects of the country in which such goods, wares or merchandise were grown, produced or made.† Among the bills that failed of passage was one creating a fund for internal improvements, which Madison vetoed on March 3.‡

In 1817 the inauguration ceremonies were held in the open air for the first time since 1789. After Monroe had finished his inaugural address,‖ the oath was taken and Monroe became the fifth President of the United States. Immediately afterward he sent to the Senate the names of those he had selected for his cabinet. The office of Secretary of State, the place Clay had so much coveted, was given to John Quincy Adams, who had been

* See *Annals of Congress*, 14th Congress, 2d session, pp. 22–23, 235–243, 312–321, 483–563, 574–693, 700–714, 1278; Benton, *Abridgment*, vol. v., pp. 655, 673–674, 686–695.

† *Annals*, pp. 52, 358–360, 564–566, 1026–1027, 1282–1285. The text of the enabling act, the act of admission and the constitution framed in 1817 will be found in Thorpe, *Federal and State Constitutions*, vol. iv., pp. 2029–2048.

‡ *Annals*, pp. 1310–1312; Thorpe, *Federal and State Constitutions*, vol. i., pp. 89–92.

‖ *Annals*, pp. 20–21, 252–254, 1337, 1348. The enabling act of April 19, 1816, the ordinance accepting this act, June 29, 1816, and the resolution for admission of December 11, 1816, together with the constitution, are in Thorpe, *Federal and State Constitutions*, vol. ii., pp. 1052–1073.

* *Annals*, pp. 1298–1299.

† *Annals*, pp. 357, 770, 840–842, 1286–1287; McMaster, vol. iv., pp. 371–372; Adams, *United States*, vol. ix., p. 146 *et seq.*

‡ Richardson, *Messages and Papers*, vol. i., pp. 584–585; *Niles' Register*, vol. xii., pp. 25–26. See also *Annals*, pp. 165–180, 185–188, 190–191, 211–213, 296, 361, 464–468 851–871, 874–923, 933–934, 1052, 1059–1062; Benton, pp. 704–711, 721–722.

‖ Richardson, *Messages and Papers*, vol. ii., pp. 4–10; *Annals of Congress*, 14th Congress, 1st session, pp. 220–226; Benton, *Abridgment*, vol. v., pp. 668–671. See also Adams, *Lives of Madison and Monroe*, pp. 301–309; *Niles' Register*, vol. xii., pp. 17–20.

recalled from his post at London;* William Harris Crawford, who had formerly represented the United States at Paris, became Secretary of Treasury; B. W. Crowninshield was continued at the head of the Navy Department; and Meigs continued as Postmaster-General. The office of Secretary of War was first offered Clay, who refused it with some show of temper,† and next to Governor Shelby, of Kentucky, who, though both nominated and confirmed, declined for reasons of age. It was not before December of 1817 that Monroe succeeded in inducing Calhoun to accept the vacant post.‡ Rush continued in the Attorney-Generalship until December, when William Wirt was appointed as his successor.*

Shortly after his inauguration Monroe announced his intention of making a tour through the Eastern, Middle, and Western States for purpose of inspecting the various fortifications then in process of construction under the appropriations previously made by Congress, and of selecting new points for the erection of strong batteries. On May 31 he set out, returning to the White House in September,† after traveling more than 2,000 miles. This was the first time since the days of Washington that a President had ever shown himself to the people, and his appearance in the Middle and Eastern States aroused an outburst of enthusiasm which made his tour of duty a triumphant procession, men of both parties joining to give him such a welcome as had never been extended to any of his predecessors. Regarding this journey, Crawford wrote to Gallatin as follows:

"The President's tour through the East has produced something like a political jubilee. They were in the land of steady habits, at least for the time, 'all Federalists, all Republicans.' If the bondmen and bondwomen were not set free, and individual debts released, a general absolution of political sins seems to have been mutually agreed upon. * * * The carping, the malevolent men in the Ancient Dominion are ready to denounce him from his apparent acquiescence in the seeming *manworship* with which he was vener-

* Regarding this selection, Monroe wrote to Jefferson as follows: "I am inclined to believe that if I nominate anyone from this quarter the [South and West] * * * I should embody against the approaching administration, principally to defeat the suspected arrangement for the succession, the whole of the country north of the Delaware immediately, and the rest [north] of the Potomac would be likely to follow it. My wish is to prevent such a combination. * * * With this view I have thought it advisable to select a person for the Department of State from the Eastern States."—Monroe's *Writings*, vol. vi., p. 3. See also his letter to Jackson regarding appointments in general, quoted in Adams, *Lives of Madison and Monroe*, pp. 311–313; *Niles' Register*, vol. xxvi. pp. 160–166; Schouler, *United States*, vol. iii., pp. 4–5.

† Regarding this, Crawford wrote to Gallatin as follows: "It is understood that [Clay] objects to entering the Cabinet in what he considers subordinate rank. * * * How the conduct between his ambition and his dread of retirement will terminate remains to be seen. I think there are but few men who have less relish for retirement than Mr. Clay."—Gallatin's *Writings*, vol. ii., p. 36.

‡ Hunt, *Life of Calhoun*, p. 43; Jenkins, *Life of Calhoun*, pp. 140–142.

* Schouler, *United States*, vol. iii., pp. 14–15.

† Gallatin's *Writings*, vol. ii., p. 55; Gilman, *Life of Monroe*, pp. 138–139. Madison, however, seemed to think that the harmony of sentiment so extensively maintained would strengthen the Administration. See Schouler, *United States*, vol. iii., p. 13, quoting Monroe MSS.

ated by the *wise men of the East.* Seriously, I think the President has lost as much as he has gained by this tour, at least in popularity." *

Though party lines were almost obliterated in National politics, the same old political strife was maintained in State and local affairs. A bitter factional dispute raged in Pennsylvania between the office-holders on one side and the *Aurora* and Leib democracy on the other. In 1817 the former faction nominated William Findlay, formerly State treasurer, for the governorship, while the latter faction chose Joseph Heister. The canvass was one of the most scurrilous in the history of the State, but, with the aid of the Federalists, Findlay won by a small margin. There were strong indications at the time that the voters were tiring of the old system of selecting candidates by legislative caucus, since this system was liable to sinister and corrupt influences and the nominators were likely to be subservient to those who made large contributions to campaign expenses. The Harrisburg convention which nominated Findlay so far modified the old system as to admit, in addition to the Republican members, delegates from counties represented by the Federalists. Heister was nominated by a convention composed entirely of county delegates specially chosen, which met at Carlisle.*

A similar change in the nominating caucus had taken place earlier in New York, and under the new system De Witt Clinton came back to power in April of 1817. Clinton's identification with the project of improving internal highways, especially the Erie Canal project, had gained for him a large amount of popular support, irrespective of party affiliations. After Tompkins was elected Vice-President and resigned the governorship to enter office, the State legislature ordered a new election. Clinton patched up his old feud at home, and became friendly with Tompkins, thus securing the support of his followers, obtaining the regular Republican nomination and carrying the election in April of 1817 by a substantial majority. His pathway was not of the smoothest, however, for he had a crafty and persevering foe in Martin Van Buren, one of the shrewdest politicians of the time, who, at the head of the Tammany forces, having failed to prevent Clinton's nomination, set up a new organ-

* Adams, *Lives of Madison and Monroe,* pp. 314–315; Gilman, *Life of Monroe,* pp. 136–137. See also *A Narrative of a Tour of Observation made during the Summer of 1817 by James Monroe, President of the United States, the North-Eastern and North-Western Departments of the Union; with a View to the Examination of their several Military Defences* (Philadelphia, 1818); S. P. Waldo, *Tour of James Monroe, President of the United States, in the year 1817, through the State of Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Ohio; together with a Sketch of his Life* (Hartford, 1818), and *Tour of James Monroe, President of the United States, through the Northern and Eastern States, in 1817; his Tour in 1818, with a sketch of his Life* (Hartford, 1819). Various items, with addresses, etc., are in *Niles' Register,* vol. xii., *passim.*

* Schouler, *United States,* vol. iii., pp. 48–49.

ization of the State democracy which later became formidable.*

In Massachusetts everything ran smoothly, the mild Federalist John Brocks being reëlected governor in 1817 and 1818 and many years longer, defeating at the polls old-fashioned Republicans like Dearborn and Crowninshield. In Connecticut, after a violent canvass, Oliver Wolcott had been elected governor, his election being quite as much a religious as a political triumph. Methodists, Baptists, Universalists, Episcopalians and others who had been placed under the ban of the old Congregational establishment with which State Federalism had been so long connected, had united with the Republicans to throw off the yoke in intolerance. Some of these church preferences rested upon Puritan traditions, while others had been created by statute. Taxation had been employed to the utmost for the special benefit of the Congregational establishment and to the detriment of other religious bodies; hence they rebelled. During Wolcott's first term the lower branch of the legislature was Republican by a small majority, but the Federalists controlled the upper branch, and reform measures were for the moment thwarted. After Monroe's visit to the State, however, the zeal for reform gained a new impulse and at an adjourned session in the fall of 1817, when some of the obstructionists had been thrown out, the legislature began the work of reform. One of the first measures attacked was the so-called "stand-up law" (passed about 1801), under which all votes for committees or members of the upper house or secret council were required to be given at one time, the freemen standing up while being counted, in case of a division.* Naturally, when the contest was close, dependent voters, laborers, clerks, and the like refrained from voting, since, if they voted according to their convictions, they were liable to lose their positions and thus face poverty. As the senior names were first voted upon in town meeting, the effect of the law may readily be surmised. Hence the councillors became a powerful secret force in the State. This law was repealed and the work thus well begun was continued in 1818, when Wolcott was reëlected and both branches of the legislature were committed to reform.

At its May session of 1818 a resolution was passed by the legislature recommending that on July 4 the towns meet and elect delegates to a convention to assemble at Hartford in August to frame a new constitution.† This body met on August 26, 1818, chose Wolcott as its president, and completed its labors on September 16, 1818, when a new constitution was adopted by a vote of 134 to 61 and

* Schouler, *United States*, vol. iii., pp. 49–50. See also F. J. Turner, *Rise of the New West*, pp. 43–44.

* *Niles' Register*, vol. xiii., pp. 1–31, 193–194.
† *Ibid*, vol. xiv., pp. 272, 309–310.

offered to the people for approval.* It was submitted to the people on October 5, 1818, adopted by a vote of 13,918 to 12,361, and promulgated on October 12.† The right of suffrage was extended and voting was to be by ballot; church and state were separated, no one could be compelled to join or support any religious sect, and each religious body must thenceforth seek financial support from among its own members.‡ Sessions of the legislature were to be held annually instead of semi-annually, and the secret council or board of assistants was converted into an open senate, with a slight increase in membership. Judges, who previously held office for only a year, were now appointed by the General Assembly and held office during good behavior. The sessions of the legislature were to be held, as heretofore, alternately at Hartford and New Haven, and this custom was followed for more than 50 years.* By an amendment which, on its adoption in October of 1873, became Article xiv., Hartford alone became the capital of the State and it was provided that after the first Wednesday in May of 1875 all annual and special sessions of the legislature should meet at that place.† The same situation occurred in Rhode Island, where under the constitution of 1842, the sessions of the legislature were held at Providence and Newport,‡ but on November 6, 1900, an amendment was adopted (Article xi.) providing that the annual sessions of the legislature should be held at Providence.‖

In the other States little of importance had occurred. In Maryland, where the governor was still chosen by the legislature, efforts were being made to amend the constitution so that the choice might rest with the people. This amendment was not secured for some years, however, and it was not until 1837 that an amendment carrying this provision was adopted.§ In 1818 the Virginia legislature took a step forward when, through the efforts of Joseph Carrington Cabell, it passed its first bill providing for the establishment of a State university, for which Jefferson had so

* For text see Thorpe, *Federal and State Constitutions*, vol. i., pp. 538–547. See also *Niles' Register*, vol. xv., pp. 30–31, 65–70.

† *Niles' Register*, vol. xv., p. 164.

‡ By a law passed in 1820 the polls of all white male persons from the age of 21 to 70 were required to be inserted in the tax list at $30 each, with the proviso that the assessors and board of relief of each town might abate or exempt from taxation the polls of infirm, sick and disabled persons, not exceeding one-tenth part of the taxable polls. Ministers of all denominations, and instructors and students in colleges and incorporated academies were to be exempt, as were also militiamen, provided that on or before October 20 of each year each furnished a certificate "that he is equipped according to law, and dressed in uniform, and has performed military duty during the preceding year."—*Niles' Register*, vol. xviii., p. 288.

* Schouler, *United States*, vol. iii., pp. 53–54.

† Thorpe, *Federal and State Constitutions*, vol. i., p. 551.

‡ *Ibid*, vol. iv., p. 3227.

‖ *Ibid*, vol. vi., p. 3237.

§ Section 20 of the amendment. See Thorpe, vol. iii., p. 1710.

long been working.* Jefferson secured its location at Charlottesville, and in January of 1819 Central College was legally merged into the University of Virginia. Then began the real preparation for the opening of the new institution, a task which absorbed Jefferson's mind and heart until his death, he planning and designing the group of buildings and personally superintending every detail of their construction.*

* The report of the commissioners rendered by Jefferson and the act establishing the university are in *Niles' Register*, vol. xv., sup., pp. 79–86.

* See Herbert B. Adams, *Thomas Jefferson and the University of Virginia* (United States Bureau of Education monographs); the various biographies of Jefferson; *The South in the Building of the Nation*, vol. x., pp. 221–222, 244–245.

CHAPTER XXIX.

1815–1821.

THE FLORIDA IMBROGLIO.

The attack on Negro Fort — Occupation of Amelia Island by Aury and MacGregor — Their expulsion by the United States — Spain's protest against filibustering and the enactment of the Neutrality Law — Opening of the Seminole War — The arrest, conviction and execution of Arbuthnot and Ambrister — End of the Seminole War — Opinions of the Cabinet regarding Jackson's conduct — Adams' reply to Onis' protest — His letter to Pizarro — Clay's attack on Jackson and the latter's exoneration by Congress — Efforts to establish a southern boundary — Offers to purchase Florida — The Spanish king's land grants — The negotiation and final ratification of the treaty — Jackson's appointment as governor of Florida — His dispute with Spanish officials — Erection of Florida into a Territory.

By the terms of the treaty of Fort Jackson, concluded by Jackson in 1814, the United States secured several million acres of land from the Creek Indians. Part of the Creek nation, however, refused to accede to the treaty, fled to Florida, and took refuge with the Seminoles. In Florida these Indians became the allies of Great Britain, and soon after their arrival the Seminoles concluded a treaty of offensive and defensive alliance with Colonel Edward Nicholls. An old fort on the Appalachicola, 60 miles below the mouth of the Flint, was then completed and a demand was made of Colonel Benjamin Hawkins for the arrest of certain persons charged with murder by the Seminole chief, Billy Bowlegs (or Boleck) and for the evacuation of the Creek lands, in accordance with the ninth article of the treaty of peace.† Hawkins sent this demand to the governor of Georgia and an account of Nicholls' actions to the Secretary of War. Madison, therefore, instructed Adams in London to protest against this action to Bathurst, which he did and was informed that the Government would not sanction Nicholls' treaty with the Indians.‡ Early in the summer of 1815 Nicholls, with several of

† See the letters regarding this in *American State Papers, Foreign Relations*, vol. iv., p. 543 *et seq.*; Parton, *Life of Jackson*, vol. ii., pp. 393–395.

‡ Parton, *Life of Jackson*, vol. ii., pp. 395–397.

the Creeks, set sail for London, leaving in the fort 763 barrels of cannon powder, 2,500 muskets, hundreds of carbines, pistols, swords, etc., and many casks of gunpowder.* At this time there were in Florida more than 1,000 negroes, who had escaped from slavery in Georgia and had settled along the banks of the Appalachicola not far from the British post. After the post had been abandoned by Nicholls, these negroes took possession of the place and, supplying themselves with arms and powder, soon began to plunder the Georgia frontier. Jackson, who then commanded the southern division, was directed by Secretary of War Crawford to call the attention of the Spanish commander of Pensacola to the subject and demand that the nuisance be suppressed, assuring the commander that if Spain did not destroy the fort and scatter these negroes, the United States would.†

Meanwhile General Edmund P. Gaines had been ordered to take possession of the territory acquired from the Indians, to build block-houses and forts where necessary, and to protect those engaged in surveying and laying out the land. Early in March of 1816 Gaines sent Lieutenant-Colonel D. L. Clinch on this errand,‡ and Clinch went down the Chattahoochee, Gaines began to feel uneasy over the British post (now named Negro Fort) and in March of 1816, was authorized by Jackson to build a new post (subsequently called Fort Scott) not far from the place where the Flint and the Chattahoochee unite to form the Appalachicola. Gaines determined to bring the supplies for this post by sea; but this route would necessitate the passing of Negro Fort, and Gaines, fearing an attack, requested a convoy of gunboats from Daniel T. Patterson commanding the New Orleans station.* Two gunboats were thereupon provided and late in June the flotilla set sail for the mouth of the Appalachicola, which it reached on July 10. Meanwhile Gaines had heard that the Indians were dancing the war dance and making preparations for war, and, feeling certain that the negroes would attempt to obstruct the passage of the fleet, ordered Colonel Clinch to take a body of troops down the river, station them near Negro Fort, and, if the fleet were molested in any way, to raze the post to the ground.† Clinch thereupon sent an express to Jairus Loomis, commander of the flotilla, requesting him not to enter the river until Clinch had arrived at the Fort.‡ On July 16

* Chadwick, *Relations of the United States and Spain*, p. 118; Fuller, *The Purchase of Florida*, pp. 227–228.

† *American State Papers, Foreign Relations*, vol. iv., p. 556; Parton, *Life of Jackson*, vol. ii., p. 400 *et seq.*

‡ *American State Papers, Foreign Relations*, vol. iv., p. 558.

* Gaines to Patterson, May 22, 1816, *American State Papers, Foreign Relations*, vol. iv., pp. 558–559; Fuller, *The Purchase of Florida*, p. 229.

† Sumner, *Life of Jackson*, p. 53; Fuller, *The Purchase of Florida*, p. 230; Parton, *Life of Jackson*, vol. ii., pp. 402–403.

‡ Clinch's report is in *Niles' Register*, vol. xvii., pp. 186–188.

Clinch embarked and, while floating down the river, fell in with a party of negro-hunting Seminoles, who joined him in the expedition against the Fort.* While on the way a negro had been seen with a white man's scalp in his belt,† and upon his arrival at the Fort, Clinch demanded his surrender, which was refused. Loomis was thereupon ordered to come up the river, and early on the 27th to go within range and open fire. A red-hot ball, thrown into the Fort, fell in the magazine, exploding several tons of gunpowder and killing 270 men, women, and children.‡ This struck terror into the negroes and their strength was entirely broken.|| The Seminoles also seemed to be impressed with the strength and vigor of the Federal power, and for some months all was peace and quiet. §

Meanwhile a swarm of pirates, vagabonds, adventurers, privateersmen, and filibusters had occupied Amelia Island. Their leader was an erratic Scotchman, Gregor MacGregor, who stated that his purpose was to wrest Florida from Spain and to annex it to the United States. Going to Baltimore he soon succeeded in gathering together a band of filibusters, and on June 29, 1817, the 50 men comprising the expedition landed at Amelia Island, then starting for Fernandina. Upon his arrival before that place on June 29 he demanded and received from Don Francisco de Morales the surrender of the town, together with all the arms and munitions of war.* The expedition, however, fell into a bad way, the men deserted or fell sick, and finally, in September of 1817, MacGregor went to New Providence in search of money and troops.†

During MacGregor's absence, another filibuster, Louis Aury by name, came to the Island and took command. This man had gone to Cartagena to aid the cause of liberty, but was expelled by a Spanish fleet and finally reached Galveston Bay, from which place he corresponded with Don Manuel de Herrera, the Mexican representative to the United States, then at New Orleans. Greatly delighted at the arrival of Aury, Herrera went to Texas, and on September 12, 1816, acknowledged and declared Galveston Puerto Habillitado of the Republic of

* Parton, *Life of Jackson*, vol. ii., pp. 404–405.

† *American State Papers, Foreign Relations*, vol. iv., p. 560.

‡ Frost, *Life of Jackson*, pp. 424–425. See also *Niles' Register*, vol. xi., p. 37; *American State Papers, Foreign Relations*, vol. iv., p. 560; Chadwick, *Relations of the United States and Spain*, pp. 119–120.

|| Schouler, *United States*, vol. iii., pp. 58–59; McMaster, vol. iv., pp. 430–433. See also Overton, *Vindication of the Seminole War* (Washington, 1819). *Cf.* Samuel Perkins, *Gen. Jackson's Conduct in the Seminole War* (Brooklyn, Conn., 1828), and Joshua R. Giddings, *Exiles of Florida, or the crimes committed by our government against the Maroons, who fled from South Carolina and the other Slave States, seeking protection under Spanish Laws* (Columbus, O. 1858).

§ Fuller, *The Purchase of Florida*, p. 231; Parton, *Life of Jackson*, vol. ii., p. 407.

* For the terms see *Niles' Register*, vol. xii., pp. 365–366.

† Fuller, *The Purchase of Florida*, pp. 232–234; Parton, *Life of Jackson*, vol. ii., pp. 422–423.

Mexico, with Aury as military governor.* Thither flocked freebooters, smugglers, refugees from Barataria, negroes, mulattoes, etc.,† until the colony finally became too large, and on April 5, 1817, moved to Matagorda.‡ But Aury did not long remain there and, having heard of the arrival of MacGregor at Amelia Island, again broke up his establishment and with 150 followers set sail for Fernandina. On his arrival there he found MacGregor gone and one R. Hubbard (or Hubbert) installed as governor. Aury was deluged with appeals for aid, but refused unless Hubbard's flag were lowered and the Mexican flag raised instead, and he be appointed to the governorship.|| There was nothing to do but to submit, and on October 4 Amelia Island was declared part of the Republic of Mexico.

In the meantime the United States authorities had become considerably alarmed, and Monroe, acting under the joint resolution of January 15, 1811,§ ordered troops and ships to be sent to expel the invaders. Accordingly, on December 22, 1817, Major James Bankhead and Captain J. D. Henley, with a division of land and naval forces, expelled Aury,* and his followers and took possession of the country in the name of the United States, replacing the Mexican flag with that of the United States.†

Against such acts of piracy, invasion, and violations of neutrality Spain had been protesting ever since diplomatic relations had been resumed between her and the United States. When Napoleon invaded Spain a general revolt of the Spanish viceroyalties ensued, but with the fall of Napoleon and the Bourbons' restoration to power, these viceroyalties had not returned to their allegiance, as had been expected.‡ Consequently, one of the first acts of the new king was to attempt the reduction of Buenos Ayres, Cartagena and Mexico. But in resisting the Spanish forces, the insurgents secured much of their aid — in men, money and supplies — from the United States, ship after ship clearing from the custom houses at New Orleans and Baltimore as merchantmen, which, once upon the high seas, raised the flags of New Granada

* Fuller, *The Purchase of Florida*, p. 234.

† *American State Papers, Foreign Relations*, vol. iv., p. 134.

‡ *Ibid.*

|| *Ibid*, vol. iv., p. 138; Fuller, *The Purchase of Florida*, p. 235; *Niles' Register*, vol. xiii., p. 302.

§ "The United States, under the peculiar circumstances of the existing crises, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power, and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of said territory," wherefore the President was authorized to do so in cases of necessity, for which purpose $100,000 was appropriated. See *Niles' Register*, vol. xiii., pp. 315–316.

* For the correspondence between Aury and the Americans, see *American State Papers, Foreign Relations*, vol. iv., p. 139 *et seq.*

† *Niles' Register*, vol. xiii., pp. 338 *et seq.*, 346–352; Chadwick, *Relations of the United States and Spain*, pp. 126–127; McMaster, vol. iv., pp. 434–436; Fuller, *The Purchase of Florida*, p. 236; Schouler, *United States*, vol. iii., pp. 30–31.

‡ See *American State Papers, Foreign Relations*, vol. iv., p. 217 *et seq.*

or the United Provinces of Mexico, and robbed and plundered the commerce of Spain. In 1815, therefore, when diplomatic relations were resumed, Spain demanded that such violations of neutrality be stopped.* In his letter Don Luis de Onis, the Spanish minister, said that ships belonging to Buenos Ayres, Cartagena and the Mexican States had entered American ports and sold goods captured from Spanish ships on the high seas. He asked that this practice be stopped, that the men engaged in the trade be punished, and the ships from revolting provinces be excluded from our ports.† Monroe answered that no Spanish inhabitant could be punished in the United States for offences committed out of it, that the United States could not discriminate against a vessel because of her flag, and that she was not obliged to surrender any inhabitant of Spain or her provinces on the demand of the Spanish government; yet he could refer the complaint to the United States district attorney in Louisiana, so that all the facts might become known. The district attorney denied that any successful attempts had been made to arm and fit out ships in Louisiana, but said that a number of men had been prosecuted and much Spanish property restored since the peace under the act of June of 1794.* The district attorney of Baltimore likewise sent similar information.

Therefore, when Congress assembled in December of 1816, Madison sent the two letters to Congress, which referred the matters to the Committee on Foreign Relations. The Secretary of State was requested to inform Congress as to what was necessary to make the law effective, and in reply Monroe said that when the character of a vessel was suspected, bonds should be required, and that when the suspicion was strong enough to constitute a presumption to violate the neutrality of the United States, the vessel should be seized and held. A bill was then drafted by the committee providing fine and imprisonment for all who should fit out or arm a vessel for the purpose of cruising against the subjects of a nation in amity with the United States, or who should sell such a vessel knowing that it was the intention of the purchaser so to use it; that owners of armed vessels should be bonded not to use these vessels against friendly nations; and that collectors of the ports should seize and detain suspicious vessels until the President's pleasure became known or the owners gave bonds that they would not commit a breach of neutrality. This greatly benefited Spain and alarmed the West, but finally the bill was passed by a vote of 94 to 60. The

* See the letter from Onis, December 30, 1815, in *Niles' Register*, vol. ix., pp. 392–394.

† *American State Papers, Foreign Relations*, vol. iv., pp. 422–423; *Niles' Register*, vol. ix., p. 392 *et seq.*

* *American State Papers, Foreign Relations*, vol. iv., pp. 104–105; *Niles' Register*, vol. xii., pp. 63–64.

Western States voted solidly against the bill, as Spain by her previous conduct had alienated the friendship of the people in the Mississippi Valley.*

Thus one source of disagreement between the two nations was removed, but the amicable relations were soon interrupted, for the Seminoles had begun to make trouble and the fiery Jackson had been sent to quell the disturbance. The Seminoles had become sullen and savage because of their failure to recover the lands lost by the treaty of Fort Jackson, and resolved to retake the territory by force. During the spring and summer of 1817 they committed many acts of violence, many women and children being butchered, houses burned, and cattle killed.† At Fowltown, about 15 miles east of Fort Scott, the Indians held a war dance and sent notice to Major Twiggs at the Fort "not to cut another stick of timber on the east side of the Flint River."‡ On being reinforced by troops under Gaines, Twiggs sent a body of 300 troops to bring back the chief and his warriors, and in a few minutes the town was in possession of the Americans.|| This opened the Seminole War.

The Indians then began to commit various outrages throughout the region, reports of which were duly sent to Washington by Gaines;* but before Gaines' letters reached Calhoun the latter had sent an order to Gaines directing him to go to Amelia Island and take part in the operations against the filibusters.† The letters passed each other on the way, and, as there was no time to recall them, Gaines was compelled to go to Fernandina and Jackson was sent instead of Gaines.‡ Jackson was empowered to assume command of the forces and to call on the governors of the adjacent States for militia.|| He was well pleased with being placed at the head of this movement, for, said he: "Let it be signified to me through any channel that the possession of the Floridas would be desirable to the United States and in sixty days it will be accomplished."§ The packet containing this letter was delivered to Monroe and concerning what happened there-

* McMaster, vol. iv., pp. 372–376. For the debate see *Annals of Congress*, 14th Congress, 2d session.

† *American State Papers, Military Affairs*, vol. i., pp. 681–685; *Indian Affairs*, vol. ii., p. 153 *et seq.*

‡ *American State Papers, Military Affairs*, vol. i., p. 685; *Indian Affairs*, vol. ii., p. 159; Fuller, *The Purchase of Florida*, p. 237.

|| *American State Papers, Military Affairs*, vol. i., p. 686; *Indian Affairs*, vol. ii., p. 160; Sumner, *Life of Jackson*, p. 55; Frost, *Life of Jackson*, p. 428; Parton, *Life of Jackson*, vol. ii, pp. 428–429; Chadwick, *Relations of the United States and Spain*, p. 127; *Niles' Register*, vol. xiii., p. 319.

* For which see *Niles' Register*, vol. xv., p. 295 *et seq.*

† *American State Papers, Military Affairs*, vol. i., p. 689; *Indian Affairs*, vol. ii., p. 162.

‡ *Niles' Register*, vol. xv., p. 303; Parton, *Life of Jackson*, vol. ii., p. 432; Schouler, *United States*, vol. iii., p. 61.

|| *American State Papers, Military Affairs*, vol. i., p. 690; *Indian Affairs*, vol. ii., p. 162.

§ Parton, *Life of Jackson*, vol. ii., pp. 433–434; Sumner, *Life of Jackson*, p. 56. The complete letter will be found in Benton, *Thirty Years' View*, vol. i., pp. 167–180.

after there are two irreconcilable accounts. In a letter to Calhoun, May 19, 1830, Monroe says that he was sick when the packet arrived and that he did not read it, but seeing that it was from Jackson turned it over to Calhoun, who happened to come in; that the Secretary returned it to him with the remark that it required an answer; that the letter was then shown to Crawford, who in like manner read it, though without comment; and that the letter was then entirely forgotten until the country had almost become involved in war. Jackson claims, however, that Monroe read the letter, sent for John Rhea, a member of Congress from Tennessee, asked him to assure Jackson that his suggestion was approved, and that Rhea wrote a letter in this vein to Jackson, which was received before the latter reached Fort Scott.*

Jackson received the order to go to Fort Scott on January 11 and called upon the governor of Tennessee for militia. In addition, he had the Georgia militia, but all these were not enough for him, and he called upon the officers of the volunteers of the last Creek campaign to meet him at Nashville.* They promptly agreed to join the expedition and within less than two weeks more than 1,000 mounted men were ready to march.† With these troops Jackson went to Fort Scott, where he formally assumed command on March 10, shortly afterward entering on his campaign.‡

While Jackson was proceeding by land and the fleet under Isaac McKeever by sea, Alexander Arbuthnot, a Scotchman of education and ability, who had come to Florida in 1817, was gradually drawing near St. Marks. Arbuthnot had been engaged in the Indian trade for some time, and also undertook to keep others from dealing with the Indians, receiving from the Creek chief the power of attorney to act for him in all matters concerning the nation.|| At the request of the chief, he wrote numerous letters to various officials in England, the United States, and Florida, the substance of which was that the Americans were violating the terms of the treaty of Ghent by failing to restore to the Indians the lands that had been taken by the treaty of Fort Jackson, that the backwoods Georgians were killing and robbing the Indians,

* Regarding the controversy see Schouler's article in *Magazine of American History*, vol. xii., pp. 308–322. Schouler concludes that Monroe did not read nor reflect upon Jackson's letter until after Pensacola had fallen. See also Schouler, *United States*, vol. iii., p. 69; Hamilton's ed. of Monroe's *Writings*, vol. vii., pp. 227–234; Gilman, *Life of Monroe*, pp. 41–143; Buell, *History of Andrew Jackson*, vol. ii., pp. 114–115; Fuller, *The Purchase of Florida*, pp. 240–242; Parton, *Life of Jackson*, vol. ii., pp. 434–437.

* Fuller, *The Purchase of Florida*, p. 244. See his address in Frost, *Life of Jackson*, pp. 434–435; *Niles' Register*, vol. xiv., p. 16. See also his letter to Calhoun in *American State Papers, Military Affairs*, vol. i., p. 696.

† *American State Papers, Military Affairs*, vol. i., p. 696. See also Buell, *History of Andrew Jackson*, vol. ii., pp. 117–118; Parton, *Life of Jackson*, vol. ii., p. 440.

‡ Schouler, *United States*, vol. iii., p. 70.

|| Fuller, *The Purchase of Florida*, p. 247.

that the British government ought to dispatch an agent to keep home authorities informed of what was being done in Florida, etc.* In April of 1818, however, Arbuthnot turned his steps towards St. Marks, where he first heard of the approach of Jackson's army and the arrival of the fleet under McKeever. He immediately wrote to his son, then in charge of his schooner which lay in the Suwanee River, just below the town of Billy Bowlegs, directing him to place the goods in some safe spot, if possible, or if not, to rush them aboard the schooner and sail to Cedar Keys Bay.†

Meanwhile Jackson was moving rapidly toward St. Marks‡ and, after five days' march, met a regiment of Tennesseans and had a sharp encounter with the Indians. These were quickly routed and General Gaines following them, entered Fowltown the next day. After he had secured 3,000 barrels of corn and 1,000 head of cattle marked with the brands of Georgians, the town was set afire and 300 houses were consumed.‖ On April 6 the army reached St. Marks and Jackson demanded admittance to the fort. The Spanish governor replied that he would write for authority to admit the troops, but Jackson was in no mood to brook delay and, hearing that Arbuthnot was in the fort, sent Twiggs forward to seize it.* On his arrival at the gate, Twiggs found Arbuthnot in the act of mounting his horse and immediately arrested him. The soldiers then entered the fort, pulled down the Spanish flag, hoisted the American colors, and took possession of the barracks.† While Jackson was seizing the fort, McKeever had entered the Bay with the English flag at his masthead, and by this ruse succeeded in enticing aboard his ship the Indian prophet Francis (or Hellis) Hajo and his friend Hemollemico, who sometime before had attacked a party of Americans, killing the majority and torturing the survivors. The next day these two Indians were sent up to the fort, where by Jackson's order they were hanged.‡

Having halted two days at St. Marks, the army, on April 9, resumed its march for Suwanee, the town of Bowlegs. Some fighting was done

* Parton, *Life of Jackson*, vol. ii., p. 412 *et seq.*

† McMaster, vol. iv., p. 442; Fuller, *The Purchase of Florida*, p. 247. For an English view of the war see *Narrative of a voyage to the Spanish main on the ship "Two Friends," with an Appendix containing a detail of the Seminole War, and the Execution of Arbuthnot and Ambrister* (London, 1819).

‡ For the details of the journey see Parton, *Life of Jackson*, vol. ii., p. 441 *et seq.*

‖ *American State Papers, Military Affairs*, vol. i., p. 700; Parton, *Life of Jackson*, vol. ii., pp. 449–450; *Niles' Register*, vol. xiv., p. 168.

* Buell, *History of Andrew Jackson*, vol. ii., pp. 120–121; Jackson's report of May 5 in *American State Papers, Foreign Relations*, vol. iv., p. 601.

† See Jackson's reports in *American State Papers, Military Affairs*, vol. i., pp. 700–702; *Niles' Register*, vol. xv., p. 311; Parton, *Life of Jackson*, vol. ii., p. 453.

‡ Fuller, *The Purchase of Florida*, p. 248; Parton, *Life of Jackson*, vol. ii., pp. 454–458; Sumner, *Life of Jackson*, p. 58; Buell, *History of Andrew Jackson*, vol. ii., pp. 122–126.

on the march, but on April 18, when he reached the town, Jackson found that it had been abandoned.* Arbuthnot's letter to his son had been read and thereupon Bowlegs, together with his women and children, disappeared in the swamp.† One of the divisions of the army met a band of about 300 Indians, but these were soon driven over the river.‡ The army then entered the town and spent a day or two in sacking it, after which it was razed to the ground.|| On the 18th the troops captured Robert C. Ambrister, whose headquarters were on board Arbuthnot's vessel, then lying at the mouth of the Suwanee River, which was then seized.

Because Arbuthnot's letter had given the Indians information of Jackson's movements and thereby enabled them to escape, Arbuthnot and Ambrister (regarded as an accomplice) were turned over for trial to a court-martial, of which General Gaines was president. Arbuthnot was the first to be tried and the charges against him were as follows:

"First, for inciting and stirring up the Creek Indians to war against the United States and her citizens, he being a subject of Great Britain with whom the United States were at peace; second, that he had acted as a spy aiding, abetting, and comforting the enemy, and supplying them with the means of war; third, that he had incited the Indians to murder and destroy William Hambly and Edmund Doyle, had confiscated their property, and 'caused' their arrest with a view to their condemnation to death, and the seizure of the property, they being citizens of Spain; on account of their active and zealous exertions to maintain peace between Spain, the United States, and the Indians."

The last charge was so absurd that it was withdrawn.* On the other two charges he was found guilty and sentenced to be hung.† The charges against Ambrister were:

"First, aiding, abetting, and comforting the enemy, and supplying them with the means of war, he being a subject of Great Britain who was at peace with the United States, and late an officer in the British Colonial marines; second, leading and commanding the lower Creek Indians in carrying on war against the United States."

He was found guilty on the above counts and sentenced to be shot, but, after reconsideration, the prisoner was sentenced to 50 lashes and to confinement at hard labor for a year.‡ On April 29 Jackson approved the sentence of the court in the case of Arbuthnot, who was hanged from the yardarm of his own schooner, the *Chance*.|| In the case of Ambrister, however, Jackson disapproved of the sentence, and or-

* *Niles' Register*, vol. xv., p. 309.

† Sumner, *Life of Jackson*, p. 59; Parton, *Life of Jackson*, vol. ii., p. 460; Schouler, *United States*, vol. iii., p. 71.

‡ Jackson's report in *American State Papers, Foreign Relations*, vol. iv., p. 600; *Military Affairs*, vol. i., p. 701.

|| Buell, *History of Andrew Jackson*, vol. ii., p. 127; Fuller, *The Purchase of Florida*, p. 249.

* Fuller, *The Purchase of Florida*, p. 251. Parton (*Life of Jackson*, vol. ii., pp. 463–474) gives a resumé of the trial.

† Frost, *Life of Jackson*, pp. 448–452; *Niles' Register*, vol. xv., p. 270; Bruce, *The Romance of American Expansion*, pp. 71–73.

‡ Frost, *Life of Jackson*, pp. 452–453.

|| The documents and evidence given at the trial are in *Niles' Register*, vol. xv., pp. 270–281; *American State Papers, Foreign Relations*, vol. iv., pp. 580–596; *Military Affairs*, vol. i., pp. 721–735. See also Jackson's report in *Military Affairs*, vol. i., p. 702.

dered the first sentence imposed to be carried out. Accordingly, on the same day, Ambrister was shot.*

Having now restored peace and good order in Florida, having slain about 60 of the enemy, burned 700 huts, shot one Indian trader, hung another and also two Indians, Jackson and his Tennesseans marched back to Fort Gadsen. About this time Jackson learned that an outrageous attack had been made on the friendly Chehaw village while most of the male Indians were serving with him against the Seminoles. Governor William Rabun, of Georgia, learning of some Indian outrages in the vicinity of the Flint River, had sent out a punitive expedition under Captain Obed Wright, who, misled by false information as to its guilt, attacked the Chehaw village on April 23, 1818, set it on fire and cruelly butchered its aged and helpless inhabitants.† Thoroughly aroused, Jackson sent a party to arrest Wright‡ and sternly demanded satisfaction of the State executive, whose warriors were even then fighting the battles of the Union, for his base, cowardly and inhuman attack "on old men and women." Jackson asserted that he alone possessed the right to issue military orders and that no State governor should assume to make war on an Indian tribe at peace with the United States. A defiant correspondence ensued between Rabun and Jackson, in which Rabun disavowed the plunder and massacre, but spiritedly refused to surrender a State militia officer for punishment by a Federal general under whom he had not been serving. The dispute was then carried on in the newspapers and took a political turn. The National government was silent, but the Georgia legislature approved Rabun's conduct in all respects.* Later the United States indemnified the Chehaws to the extent of $8,000.†

Meanwhile, toward the end of May, Jackson received information that 550 Indians had gathered at Pensacola and were engaged in plundering the surrounding territory, under the direction and with the aid of the Spanish governor.‡ With a small detachment of regulars and militia, he therefore set out for Pensacola, but while on the way received a dispatch from the Spanish governor ordering him to

* Sumner, *Life of Jackson*, p. 60; Parton, *Life of Jackson*, vol. ii., pp. 475–485; Buell, *History of Andrew Jackson*, vol. ii., pp. 128–129; Frost, *Life of Jackson*, pp. 453–454. See also Chadwick, *Relations of the United States and Spain*, pp. 129–130.

† Wright's account and those of others say orders were given to spare the women and children. See *Niles' Register*, vol xiv., pp. 218–229. See, however, the accounts in *ibid*, pp. 235–236, 267, 416, 439–440.

‡ *Ibid*, vol. xiv., p. 292.

* *Niles' Register*, vol. xv., p. 266.

† Schouler, *United States*, vol. iii., pp. 73–74. For the correspondence see *Niles' Register*, vol. xiv., p. 268 *et seq.*, and vol. xv., pp. 254–255, sup. pp. 36–38; *Annals of Congress*, 15th Congress, 2d session, pp. 2380–2391.

‡ See Jackson's letter of May 5 to the Secretary of War, quoted in Frost, *Life of Jackson*, pp. 456–458. Others say that there were about 300 Indians and 200 vagabond negroes. See Buell, *History of Andrew Jackson*, vol. ii., p. 130.

quit West Florida.* The Spanish governor little knew Jackson, for his threats of forcible expulsion only tended to urge Jackson on, and on May 21, without the slightest opposition, he entered Fort St. Michael, Pensacola.† Meanwhile the governor had fled to Fort Barrancas, where he attempted to arrest Jackson's further advance. But the latter brought up his artillery, bombarded the fort, and on the 27th was in complete possession of that section of the country.‡ The Spanish civil and military authorities were sent to Havana, Colonel King was appointed civil and military governor, the Spanish revenue laws were abolished, and the officials necessary for governing the province were appointed. Five days afterward Jackson started homeward, leaving General Gaines with some soldiers to hold the place.|| It is evident that Jackson did not intend to stop even there. On August 7, 1818, he wrote to General Gaines that, in case the Indians had been incited to war and had been supplied with munitions of war by the governor of St. Augustine, he was to "proceed to take and garrison Fort St. Augustine with American troops and hold the garrison prisoners until you hear from the President of the United States, or transport them to Cuba as you think best." *

A report of Jackson's proceedings had reached the ears of Don Luis de Onis, and when confirmation was received from the governor of West Florida, he vigorously protested (in notes to Adams, June 17 and July 8, 1818) demanding that St. Marks be delivered to the Spanish commander with all arms and munitions of war taken, that indemnity be paid for the damages done by the army while in Florida, and that the troops be immediately withdrawn.† Hardly had he dispatched this demand when news came of the capture of Pensacola. He immediately wrote to Adams asking the latter to tell him "in a positive, distinct, and explicit manner" just what Jackson had been doing.‡ Before Adams could make reply Onis received better accounts from Florida confirming the first report, once again protested, and demanded the restoration of the captured places, indemnity for all losses, and the punishment of Jackson.||

Monroe and his advisers were unable to agree on a proper answer, Calhoun being sure that Jackson had

* *Niles' Register*, vol. xv., p. 319.

† *American State Papers, Military Affairs*, vol. i., p. 708; *Foreign Affairs*, vol. iv., p. 602.

‡ *American State Papers, Military Affairs*, vol. i., p. 708; *Foreign Affairs*, vol. iv., p. 602; Frost, *Life of Jackson*, pp. 458–460; Parton, *Life of Jackson*, vol. ii., pp. 498–501.

|| The articles of capitulation, Jackson's proclamation and other papers are in *Niles' Register*, vol. xiv., pp. 334–338.

* *American State Papers, Military Affairs*, vol. i., p. 744.

† *American State Papers, Foreign Relations*, vol. iv., p. 495; *Annals of Congress*, 15th Congress, 2d session, pp. 1818–1822; *Niles' Register*, vol. xv., pp. 330–331.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 495–496.

|| *Ibid*, vol. iv., pp. 496–497.

disobeyed instructions * and should be courtmartialled,† while Crawford feared that if Pensacola were not restored immediately and Jackson's acts disavowed, war would follow; that Spanish privateers would completely destroy our commerce, and that the people would not sustain the Administration.‡ Monroe himself thought that Jackson had not only acted without orders, but against those orders which were sent him, and that his acts ought immediately to be disavowed.|| Adams was the only one who defended the General.§ He argued that the taking of the Spanish forts was an act of self-defence. Calhoun and the other members of the Cabinet, however, considered it an act of war, and that if the act were disavowed, the blame would rest with Jackson, and Spain would have no cause for war.¶ Finally Monroe drafted a note to Onis, which ultimately became the basis for the reply by Adams.* In his reply, July 23, 1818, Adams said that by the fifth article of the treaty of 1795, both Spain and the United States were bound to maintain peace along the frontier. Neither nation was to allow the Indians occupying its territory to enter the territory of the other or to molest its subjects or citizens. In spite of this compact, however, Spain had allowed the Seminoles and a band of negroes to plunder and destroy the property of American citizens and to kill numbers of them, and to return in safety to Spanish territory. In 1816 Jackson had requested the governor of Pensacola to break up this horde of savages and slaves, but the governor, while admitting the obligation, expressed his inability to fulfill it. When hostilities broke out in 1817, therefore, the President had given Jackson authority to cross over the line into Florida, if necessary in order to break the Indian power. The seizure of Pensacola and St. Marks by Jackson was merely a step taken to insure his own safety, though it had been made doubly necessary by the open hostility of the governor. Wherefore the United States demanded that all the Spanish officers concerned should be punished, and upon satisfactory evi-

* Regarding this see also the *Correspondence between Gen. Andrew Jackson and John C. Calhoun on the subject of the course of the latter in the Deliberations of the Cabinet on the Occurrences of the Seminole War* (Washington, 1831).

† Schouler, *United States*, vol. iii., p. 77.

‡ *Memoirs of John Quincy Adams*, vol. iv., pp. 107–109.

|| Sumner, *Life of Jackson*, p. 64; Chadwick, *Relations of the United States and Spain*, p. 134.

§ Morse, *John Quincy Adams*, pp. 159–162; Buell, *History of Andrew Jackson*, vol. ii., p. 139; Bruce, *The Romance of American Expansion*, p. 74; Quincy, *Memoirs of John Quincy Adams*, p. 85; Parton, *Life of Jackson*, vol. ii., pp. 510–513.

¶ *Memoirs of John Quincy Adams*, vol. iv., p. 107 *et seq.* See also Fuller, *The Purchase of Florida*, pp. 268–269.

* In altering Adams' draft of the reply to Onis, Monroe said: "You have gone too far in justifying Jackson's acts in Florida. I think that the public will not entirely justify the general: and the true course for ourselves is to shield and support him as much as possible, but not commit the Administration on points where the public will be against us."

dence that this had been done, Pensacola would be delivered to the proper authorities or agents of Spain, and St. Marks would be given up when a force sufficiently large to withstand an Indian attack had been provided.*

Meanwhile Onis had sent to Spain an account of the occurrences in Florida, and a few days after Adams had sent his reply to Onis, Don José Pizarro, the Spanish Secretary of State, requested an explanation. Finally, in August, as fuller details of Jackson's acts were received, all intercourse with the United States was severed.† Shortly afterward, however, intercourse was resumed and on November 28, 1818, Adams sent by Erving a reply to Pizarro which is probably one of the finest State papers ever written by him.‡ He narrated the history from the arrival of the British troops in August of 1814 up to the arrival of Arbuthnot, justified Jackson's seizure of St. Marks and the arrest of Arbuthnot, declared that the capture of Pensacola was right and proper for Jackson's self preservation, and then proceeded to silence Pizarro by sending a mass of documentary evidence of the doings of Nicholls, Woodbine, MacGregor, Arbuthnot and Ambrister, and the horrors of the Indian War. If Pizarro considered Jackson's campaign a shameful invasion, how did he regard the invasion of Nicholls? He set against the seizure of the Spanish forts and places by Jackson, the blowing up of forts by Nicholls, and then asked if his Spanish Majesty had expressed a profound indignation at that, or had suspended negotiations with his Britannic majesty. He concluded by saying that it was the duty of the Nation to protect the lives and property of its citizens, that this duty must be discharged and that, if it ever became necessary to seize Spanish forts and other places in Florida, another unconditional surrender would not be made.*

While Adams was at work on this answer, the Fifteenth Congress convened in second session, and on December 3, 1818, Monroe communicated to both Houses all the papers relative to the Seminole War.† Both in the House and the Senate Monroe's remarks on the subject were referred to committees, and that of the House presented two reports, the committee

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* *American State Papers, Foreign Relations,* vol. iv., pp. 497–499; *Annals,* pp. 1823–1831; *Niles' Register,* vol. xv., pp. 331–333. See also Fuller, *The Purchase of Florida,* pp. 283–284; Parton, *Life of Jackson,* vol. ii., pp. 513–515.

† *American State Papers, Foreign Relations,* vol. iv., p. 523; Fuller, *The Purchase of Florida,* p. 285; *Annals,* pp. 1884–1887.

‡ Fuller, *The Purchase of Florida,* pp. 286 *et seq.,* 340–358; *Niles' Register,* vol. xv., pp. 368–376.

* *American State Papers, Foreign Relations,* vol. iv., pp. 539–545; *Annals,* pp. 1924–1941. See also McMaster, vol. iv., pp. 449–451; Bruce, *The Romance of American Expansion,* pp. 75–76; *Memoirs of J. Q. Adams,* vol. iv., pp. 171–173; Chadwick, *Relations of the United States and Spain,* pp. 135–137.

† Richardson, *Messages and Papers,* vol. ii., p. 48; *Annals of Congress,* 15th Congress, 2d session, p. 342. See also his annual message of November 16, 1818, in Richardson, pp. 39–47.

having been divided in opinion regarding Jackson. Thomas M. Nelson, of Virginia, in behalf of four of the committee, denounced Jackson's conduct and condemned the proceedings of the court-martial in the case of Arbuthnot and Ambrister, while Richard M. Johnson for the minority declared that little in Jackson's conduct was open to censure and that Jackson and his officers deserved the thanks of the country.* The debate of the Committee of the Whole began on January 18 and engaged the House for nearly three weeks, William C. Cobb, of Georgia, opening the debate.† Holmes, of Massachusetts, answered Cobb's speech and defended Jackson and the President,‡ after which Clay spoke. After asserting that his attack on Jackson was not due to unfriendliness to the President because he had not been appointed Secretary of State, Clay began a fierce attack on the Treaty of Fort Jackson, next denounced the ruse by which Francis and Hemollemico were captured and the unceremonious manner in which they were hanged, and then denied that Arbuthnot and Ambrister were pirates. He said that, while he "most cheerfully and entirely acquitted Jackson of any intention to violate the laws of the country or the obligations of humanity," still Jackson had done acts above and beyond the law, had violated his orders, and had usurped the power to make war, which belonged exclusively to Congress. He then warned the people to beware of a military hero, else the civil authority might become subordinate to the military and the safeguards of the Constitution subverted.*

While Clay's speech had a marked effect upon the House, still Jackson was not without defenders; R. M. Johnson, Alexander Smyth, James Tallmadge, Jr., Philip P. Barbour, George Poindexter and others fell upon Clay and tore his speech to pieces.† He was overwhelmed with instances proving that his assertions regarding Jackson's actions were wrong, and numerous cases were cited where practically the same state of affairs had existed. The speeches were so long that not before February 8 were the votes taken on the resolution censuring Jackson, when Jackson

* For the report see *American State Papers, Military Affairs*, vol. i., pp. 735–743; *Niles' Register*, vol. xv., pp. 394–400; *Annals*, pp. 515–527. See also Schouler, *United States*, vol. iii., p. 87.

† *Annals*, pp. 583–597; Benton, *Abridgment*, vol. vi., 228–230. For a resumé of his speech see Fuller, *The Purchase of Florida*, pp. 257–259; *Niles' Register*, vol. xv., sup., pp. 111–117.

‡ *Annals*, pp. 600–615; Benton, pp. 230–234; *Niles' Register*, vol. xv., sup., pp. 117–124.

* *Annals*, pp. 631–655; Benton, pp. 237–247; Moore, *American Eloquence*, vol. ii., pp. 273–286; *Niles' Register*, vol. xv., sup., pp. 124–135; *The South in the Building of the Nation*, vol. ix., pp. 193–225. See also Sargent, *Life of Clay*, pp. 82–83; Schurz, *Life of Clay*, vol. i., pp. 153–157; Clay, *Life of Clay*, pp. 98–101; Parton, *Life of Jackson*, vol. ii., pp. 535–541; Charles H. Peck, *The Jacksonian Epoch*, pp. 5–8.

† For speeches see *Niles' Register*, vol. xv., sup., p. 135 *et seq.*; *Annals*, pp. 655–703, 710–740, 764–780, 936–985; Benton, pp. 247–251, 259–262, 266–270, 303–318; Fuller, *The Purchase of Florida*, pp. 262–263; Parton, *Life of Jackson*, vol. ii., pp. 544–549.

was sustained both by the Committee of the Whole and by the House by large majorities. The execution of Arbuthnot and Ambrister was approved by a vote of 90 to 54; the seizure of Pensacola was approved by a vote of 91 to 65; and the entry of United States troops upon foreign soil was approved by a vote of 112 to 42.* In the Senate the messages and documents relating to the war had been sent to the committee early in December, but no report was made until February 24. On that day Lacock submitted a report condemning Jackson's conduct in every particular.† The report was ordered to be printed and was then laid on the table, where it remained when Congress adjourned on March 3, 1819.‡

Meanwhile a boundary between the United States and the possessions of Spain on the south was established. In December of 1815, when diplomatic relations with Spain were renewed, the Spanish minister, Onis, demanded that the United States surrender so much of West Florida as she had occupied under the act of 1811.* On January 19, 1816, Monroe replied that when the United States purchased Louisiana in 1803 that part of Florida was bought, as France had owned it prior to the treaty of 1763, at which time the territory was bounded by the Perdido on the one side, and the Rio Grande on the other. The United States therefore considered her title to the territory within these rivers as well established.† In dissent from this opinion, Onis said that the country from the Mississippi to the Rio Grande had belonged to Spain since the discovery and conquest of Mexico, and had never belonged to any other nation. France had ceded West Florida to England in 1763, but twenty years later the Spanish had reconquered it, and thus it had come under the dominion of his Catholic majesty, who still owned it. He said that when (in 1800) the king of Spain had ceded to France the territory which the latter had given to Spain in 1763, the Spanish king could not and did not give up what had been conquered from England. How then, he asked, could France have sold this territory in

* *Annals*, p. 1132 *et seq.*; Buell, *History of Andrew Jackson*, vol. ii., pp. 136–137; Schouler, *United States*, vol. iii., pp. 89–90.

† See the report in *Annals of Congress*, 15th Congress, 2d session pp. 256–268; *Niles' Register*, vol. xvi., pp. 33–39. Jackson's defence is on pp. 50–55, and the documents accompanying the report on pp. 79–93. For the strictures of the *National Intelligencer* on Lacock's report and Lacock's reply, see *Annals*, pp. 2350–2378.

‡ Fuller, *The Purchase of Florida*, p. 264; Schouler, *United States*, vol. iii., pp. 94–95; McMaster, vol. iv., pp. 455–456.

* Letter to Monroe, December 30, 1815, *American State Papers, Foreign Relations*, vol. iv., pp. 422–424; *Annals of Congress*, 15th Congress, 2d session, pp. 1629–1633. See also Carpenter, *The American Advance*, p. 84; Fuller, *The Purchase of Florida*, p. 218.

† *American State Papers, Foreign Relations*, vol. iv., pp. 424–426; *Annals*, pp. 1635–1640; Carpenter, p. 85; Fuller, *The Purchase of Florida*, pp. 223–224.

1803?* On June 10, 1816, Monroe asked why the treaty did not state that West Florida had not been ceded to France in 1800 and why, on the contrary, the treaty of San Ildefonso had so distinctly declared that the territory of Louisiana was ceded "with the same extent that it now has in the hands of Spain, and that it had when France possessed it." With regard to the country west of the Mississippi, the discoveries, explorations and settlements of the French made it French soil, which it was at the time the United States purchased it.†

For some time the subject was dropped, as Onis had no power to settle the difficulties, but as such authority was given him, early in January of 1817 the discussion was resumed, and Monroe made an offer of that part of Texas lying between the Rio Grande and the Colorado, in exchange for the two Floridas.‡ On January 16, 1817, Onis replied that, as the soil in question already belonged to Spain, it could not constitute a basis for exchange, and he could not consider the entire cession of the two Floridas, as he had no instructions thereon.‖ Negotiations at Washington were then abruptly closed§ and transferred to Madrid, to be carried on between Pizarro and George W. Erving, the United States minister. On August 17, 1817, after a month of correspondence, Pizarro submitted an outline of a treaty, one of the articles of which provided that if the United States should cede all the territory she owned or claimed west of the Mississippi, from its source to the Gulf of Mexico, Spain in return would cede the Floridas.* On the 19th this offer was rejected,† and once more the negotiations were transferred to Washington. Meanwhile John Quincy Adams had become Secretary of State, and under him the negotiations were resumed in December of 1817.‡ On January 16, 1818, Adams offered to accept the two Floridas in satisfaction of the American claims against Spain for damages, and suggested that the western boundary be the Colorado, from its mouth to its source, and a line due north to British America.‖ Another long discussion ensued§ which finally (March 23, 1818) terminated when Don Onis requested time to send to Madrid for instructions.¶ Pizarro and Erving

American State Papers, Foreign Relations, vol. iv., pp. 426–429; *Annals*, pp. 1640–1647; Fuller, *The Purchase of Florida*, p. 221.

† *American State Papers, Foreign Relations*, vol. iv., pp. 429–431; *Annals*, pp. 1647–1652.

‡ Fuller, *The Purchase of Florida*, p. 272.

‖ *American State Papers, Foreign Relations*, vol. iv., p. 438; *Annals*, pp. 1668–1670.

§ See the letters in *Annals*, p. 1670 *et seq.*

* *American State Papers, Foreign Relations*, vol. iv., pp. 445–449; *Annals*, pp. 1688–1697.

† *American State Papers, Foreign Relations*, vol. iv., pp. 449–450; *Annals* pp. 1697–1700.

‡ *American State Papers, Foreign Relations*, vol. iv., p. 450 *et seq.*; *Annals*, pp. 1701–1736.

‖ *American State Papers, Foreign Relations*, vol. iv., pp. 463–464; *Niles' Register*, vol. xiv., p. 74; *Annals*, pp. 1737–1739.

§ *American State Papers, Foreign Relations*, vol. iv., p. 468 *et seq.*; *Annals*, p. 1739 *et seq.*

¶ *American State Papers, Foreign Relations*, vol. iv., pp. 480–486; *Annals*, pp. 1780–1798.

once more took up the negotiations, continuing them till the end of July, when a messenger was sent to the United States with instructions to Onis.* On October 24, therefore, Onis informed Adams that he had been instructed to offer as a boundary a line

"beginning at the Gulf of Mexico between the rivers Mermenteau and Calcasieu, following the Arroyo Hondo, between the Adaes and Natchitoches, crossing the Rio or Red River at the thirty-second degree of latitude, and ninety-third degrees of longitude from London, according to Melish's map, and thence running directly north, crossing the Arkansas, the White and the Osage rivers, till it strikes the Missouri, and then following the middle of that river to its source." †

On October 31 Adams conceded a little when he abandoned the Rio Grande, and proposed the Sabine from its mouth to the 32d degree, a line due north to the Red River; thence by the channel of that river to its source in the Snow mountains, in latitude 37° 25′, then to the summit and along the crest to the 41st degree of latitude, and thence along that line to the Pacific ("South Sea").‡ While Onis was willing to accept the Sabine, he said he had no authority to yield more,‖ and thereupon Adams withdrew the offer, declaring that the United States would adhere to its former demands, the Rio Grande. The negotiations were dropped until January 16, 1819, when Onis received new instructions to offer the old line to the source of the Missouri, with a new one thence to the source of the Columbia, and thence to the sea.* Each party gradually receded, and finally on February 22, 1819, a treaty was signed,† which, together with all the documents in the case, was immediately sent to the Senate.‡ The treaty was unanimously approved on the 24th and its ratification proclaimed by the President on the 25th.‖

Meanwhile a new difficulty arose. Erving wrote from Madrid that the Spanish king had granted three large tracts of territory to three of his courtiers, with the obvious intent of depriving the United States of any benefits that might accrue from the

* *American State Papers, Foreign Relations*, vol. iv., p. 513 *et seq.; Niles' Register*, vol. xv., p. 377 *et seq.; Annals*, p. 1858 *et seq.*

† *American State Papers, Foreign Relations*, vol. iv., pp. 526–530; *Annals*, pp. 1890–1902. See also Carpenter, *The American Advance*, pp. 92–95.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 530–531; *Annals*, pp. 1902–1906.

‖ *American State Papers, Foreign Relations*, vol. iv., pp. 531–533; *Annals*, p. 1906 *et seq.*

* *American State Papers, Foreign Relations*, vol. iv., pp. 615–616; *Annals*, p. 2110; Fuller, *The Purchase of Florida*, pp. 305–306.

† Fuller, *The Purchase of Florida*, pp. 305–307; McMaster, vol. iv., pp. 475–477; E. J. Carpenter, *The American Advance*, pp. 96–97. For the various propositions see *American State Papers, Foreign Relations*, vol. iv., pp. 616–623; *Annals*, pp. 2111–2127.

‡ Richardson, *Messages and Papers*, vol. ii., p. 53.

‖ For text see *U. S. Treaties and Conventions*, p. 1016 *et seq.; Annals*, pp. 2129–2135; *American State Papers, Foreign Relations*, vol. iv., pp. 623–625, and vol. v., pp. 127–133; Fuller, *The Purchase of Florida*, pp. 371–380; *Revised Statutes Relating to the District of Columbia* (ed. 1875), pp. 712–717; Snow, *Treaties and Topics in American Diplomacy*, pp. 110–113; *Niles' Register*, vol. xvii., pp. 258–260; Thorpe, *Federal and State Constitutions*, vol. ii., pp. 649–655; MacDonald, *Select Documents*, pp. 213–219.

ownership of the lands.* This had been noted by Adams, and in October of 1818, when he was discussing the basis for the treaty, he incorporated a provision in one of the articles that such grants of land as were made after 1802 should be null and void. Onis suggested, however, that this should be amended so as to read "since January 24, 1818," this being the day on which Spain's willingness to part with the Floridas was first expressed.† In the end this day was accepted, with the understanding, however, that regardless of the day of the grant by the king to his three courtiers, it should be considered void.‡ This constitutes article viii. of the treaty. That there might be no misunderstanding regarding this, Adams, on March 10, 1819, gave special instructions to John Forsyth, the new minister to Spain, to deliver a written declaration to the above effect when the ratifications of the treaty were exchanged.|| On May 18, 1819, when Forsyth applied for an appointment to exchange ratifications, he was put off for several weeks on the plea that it was necessary for the king to deliberate; that several explanations were required in connection with the treaty; and that a confidential agent would be sent to Washington for this purpose.* August 22 was the last day on which the ratifications could be exchanged. On the 21st, therefore, Forsyth gave Spain notice that matters were in exactly the same condition as though no convention had been signed and that the United States was free to enforce and maintain her claims in her own way.† New instructions, however, (dated August 18, 1819) soon afterward reached Forsyth, by which he was allowed to receive the ratification by Spain on two conditions: one, that the treaty be ratified within one week; and the other, that the three land grants be declared null and void.‡ On October 2, 10 and 18, 1819, these conditions were explicitly stated,|| but nothing was heard from the Spanish ministry until November 12, 1819, when Forsyth received a note saying that the demands could

* *American State Papers, Foreign Relations*, vol. iv., pp. 509–511; Fuller, *The Purchase of Florida*, p. 309. The text of the grants will be found also in *Niles' Register*, vol. xx., pp. 42–44.

† Chadwick, *Relations of the United States and Spain*, p. 139.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 651–652. See also the documents in *Niles' Register*, vol. xvii., p. 245 *et seq.*

|| *American State Papers, Foreign Relations*, vol. iv., p. 652; *Niles' Register*, vol. xvii., p. 266. See also Angell, *Diplomacy of the United States*, in Winsor, *Narrative and Critical History*, vol. vii., pp. 499–500.

* *American State Papers, Foreign Relations*, vol. iv., pp. 654–656; *Niles' Register*, vol. xvii., p. 272 *et seq.*

† *American State Papers, Foreign Relations*, vol. iv., p. 661; *Annals of Congress*, p. 1363; Fuller, *The Purchase of Florida*, p. 310.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 657–660; Fuller, *The Purchase of Florida*, pp. 311–312; *Annals of Congress*, pp. 1353–1361.

|| *American State Papers, Foreign Relations*, vol. iv., pp. 662–663, 665–666, 668–671; *Niles' Register*, vol. xvii., pp. 276–278.

not possibly be laid before the king.* Eight days later Forsyth wrote a note to the ministry, insisting that the king receive these demands,† and a week after that wrote to Adams that he would leave Madrid if they were not received. Before this could come to pass, however, the Spanish ministry appointed a commissioner to the United States, whereupon all discussion of the matter ended at Madrid.‡

The Spanish commissioner, Mariscal-del-Campo Don Fancisco Dionisio Vives, did not arrive in the United States until April 12, 1820, and on the 14th addressed a note to Adams, saying that the ratification of the treaty had been delayed because the United States had permitted pirates to fit out their vessels in American ports for operation against Spain and her possessions, and that there was a marked spirit of hostility against everything Spanish. The Spanish king must be given assurances that these things would be stopped, and that the United States would not recognize the independence of the South American insurgents.‖ On May 3, 1820, Vives was informed by Adams that the United States had remained impartially neutral in all disputes, had restored all Spanish property which had been illegally taken, and had done everything possible to prevent piratical expeditions from her shores, but that she would not commit herself to any definite line of conduct in connection with the South American revolutionists.* The Spanish commissioner seemed satisfied with the reply to the Spanish demands, with the exception of that regarding the revolted provinces. On May 5, therefore, he requested Adams to wait until new instructions could be received from Spain regarding this,† but Adams replied on May 8 that the correspondence would at once be laid before Congress to ascertain whether any further delay would be permitted.‡ Accordingly, on May 9, President Monroe sent a message to Congress in which after reviewing the various phases of the case he submitted it "to the wisdom of Congress whether it will not still be advisable to postpone any decision on this subject until the next session."‖

Neither house took action, for adjournment was but a week distant,

* *American State Papers, Foreign Relations*, vol. iv., pp. 671–672; *Annals*, pp. 1390–1391.

† *American State Papers, Foreign Relations*, vol. iv., pp. 671–673; *Annals*, pp. 1391–1395.

‡ Schouler, *United States*, vol. iii., pp. 132–133.

‖ *American State Papers, Foreign Relations*, vol. iv., pp. 680–681. See also Carpenter, *The American Advance*, p. 104; *Niles' Register*, vol. xviii., p. 213.

* *American State Papers, Foreign Relations*, vol. iv., pp. 683–684; Fuller, *The Purchase of Florida*, pp. 315–316; *Niles' Register*, vol. xviii., pp. 215–217.

† *American State Papers, Foreign Relations*, vol. iv., pp. 684–685; *Niles' Register*, vol. xviii., p. 217.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 685–688; *Niles' Register*, vol. xviii., pp. 218–221; *Annals*, pp. 1424–1432.

‖ Richardson, *Messages and Papers*, vol. ii., pp. 71–72; *Niles' Register*, vol. xviii., pp. 191–192; *Annals of Congress*, 16th Congress, 1st session, pp. 2216–2218, 2d session, pp. 1402–1404.

and the matter therefore went over to the next session, though in the House much was said about the treaty and an attempt was made to arouse vigorous action.* On April 3 as the House seemed disposed to take no action on the matter, Clay vigorously attacked the treaty, submitting two resolutions, the first of which declared that as Congress had the power to dispose of territory belonging to the United States, no treaty purporting to alienate any part of it was valid unless approved by Congress; while the second declared that the equivalent offered by Spain for the United States territory west of the Sabine was inadequate, and it would therefore be inexpedient to renew the treaty.† In regard to the first, Clay said that, as Congress had the power to dispose of territory belonging to the United States, it would necessarily follow that no treaty which undertook to dispose of a large piece of this territory could be valid unless the House and Senate assented. He did not contend that a treaty may fix the limits of the territory of the United States without the intervention of the House, but he said in this case an arbitrary boundary had been set with a large cession of territory to Spain, and that such a cession could not be made without the consent of the House. In regard to the second resolution, Clay said that the equivalent offered by Spain was inadequate, for Florida was loaded and encumbered with land grants which left scarcely a foot of soil for the United States. In return for this we were to give Texas, free and unencumbered, pay $5,000,000 and surrender all our claims on Spain for damages not included in that sum.* In answer to Clay, it was stated that Texas had always been disputed territory; that our claim had never been clear and unquestionable; that it had been given up for that reason; and that his construction of the treaty-making power would prevent the settling of questions of limits for all time without the consent of the House, because such questions invariably involved the cession of territory by one party and generally by both.† Clay's resolution failed to pass, and for some time the matter was dropped. The summer of 1820 was therefore spent by the American minister, Mr. Forsyth, in endeavoring to secure the ratification of the treaty by Spain, before Congress should meet again.‡ In this he was successful; on October 5, 1820, the Cortes annulled the land grants ||

* Fuller, *The Purchase of Florida*, pp. 318–319. See also Schouler, *United States*, vol. iii., pp. 176–177.

† Schurz, *Life of Clay*, vol. i., pp. 163–165; Carpenter, *The American Advance*, p. 106.

* Clay's speech will be found in *Annals of Congress*, 16th Congress, 1st session, pp. 1719–1731; and in his *Life and Writings* (ed. 1844), vol. i., pp. 392–404.

† *Annals*, pp. 1743–1782; Fuller, *The Purchase of Florida*, p. 320.

‡ See the correspondence in *American State Papers, Foreign Relations*, vol. iv., p. 690 *et seq.*, and vol. v., p. 268 *et seq.; Annals of Congress*, 16th Congress, 2d session, p. 1436 *et seq.*

|| *American State Papers, Foreign Relations*, vol. v., pp. 272–274; *Annals*, pp. 1452–1453.

and advised the king to ratify the treaty, which was done on October 24.* The treaty was again sent to the Senate on February 13, 1821,† and for a second time ratified on February 19, 1821.‡ On March 3, 1821, a bill was passed authorizing the President to take possession of East and West Florida in accordance with the treaty and to establish a government therein.‖ Seven days later Andrew Jackson was appointed governor of the newly acquired territory.

Monroe had been led to appoint Jackson for several reasons: because he was extremely popular on account of his victory at New Orleans; because he wished to make amends for the attack upon Jackson in the House of Representatives two years previously; and because under a recent act of Congress (March 2, 1821) Jackson was about to be turned out of military service. This act provided that after June 1, 1821, there should be but one major-general, and as Jackson was the youngest in the service, he was the one to go.* Hence, taking all these things into consideration, Monroe sent Jackson to Florida to receive the territory from the Spaniards.† He was vested "with all the powers and authorities hitherto exercised by the Governor and Captain General attendant on Cuba and by the Governors of East and West Florida."‡ Elijius Fromentin was appointed chief justice of the Territory. Jackson promptly accepted the office and James S. Forbes was sent ahead to carry the order of the king of Spain to the captain-general of Cuba for the delivery of the province, and to bring back the necessary orders from the captain-general for the surrender of Florida to the American commissioner.‖ About the middle of June Jackson arrived in Florida, and on July 18 at Pensacola took formal possession in the name of the United States.§

He fixed his headquarters at Pensacola, issued proclamations and or-

* Carpenter, *The American Advance*, p. 108; Fuller, p. 321. The royal order is in *American State Papers, Foreign Relations*, vol. iv., pp. 702–703; vol. v., p. 281; *Niles' Register*, vol. xx., p. 41.

† Richardson, *Messages and Papers*, vol. ii., pp. 83–84.

‡ McMaster, vol. iv., pp. 481–483; Morse, *John Quincy Adams*, p. 125. See also Lyman, *Diplomacy of the United States*, vol. ii., chap. v.; Donaldson, *Public Domain*, pp. 108–120; *House Misc. Doc.*, 47th Congress, 2d session, vol. xix.; Winsor, *Narrative and Critical History*, vol. vii., pp. 543–546; Wharton, *Digest of International Law* (ed. 1877), vol. ii., pp. 277–287; Benton, *Thirty Years' View*, vol. i., chap. vi., and vol. ii., chaps. xlii. and clv.; Chadwick, *Relations of the United States and Spain*, pp. 146–147.

‖ For text see Thorpe, *Federal and State Constitutions*, vol. ii., pp. 656–657; *Niles' Register*, vol. xx., pp. 44–45.

* See Sumner, *Life of Jackson*, p. 68; Schouler, *United States*, vol. iii., p. 241.

† Parton, *Life of Jackson*, vol. ii., pp. 589–590.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 750–752; Buell, *History of Andrew Jackson*, vol. ii., p. 147; *Annals of Congress*, 17th Congress, 1st session, p. 1919 *et seq.*

‖ See the various documents relating to this in *Annals of Congress*, 17th Congress, 1st session, p. 1897 *et seq.*

§ See his proclamation in *American State Papers, Foreign Relations*, vol. iv., pp. 764–765. See also Parton, *Life of Jackson*, vol. ii., pp. 599–606; Carpenter, *The American Advance*, p. 110; *Niles' Register*, vol. xx., pp. 404–405.

dinances for the government, but speedily discovered that the Spanish authorities were very reluctant to retire from their position and were determined to embarrass him in every way. Monett says:

"Apprehending a removal of the evasions and artifices practiced by the Spanish authorities relative to the surrender of the Natchez district in 1798, and relative to the factitious land titles of Louisiana, Governor Jackson determined by prompt measures to suppress any such attempt. Having been informed that the ex-governor José Callava was about to transmit to Havana certain documents and archives pertaining to land titles in violation of the second article of the treaty of cession, he made a peremptory demand for their surrender as the property of the United States. The ex-governor refusing to obey the demand, Governor Jackson issued an order for his arrest and confinement in the calaboose, and the documents were seized and taken from his house where they had been boxed up for shipment. The ex-governor was then released."*

In the meantime Callava had obtained from Judge Fromentin a writ of *habeas corpus* for his release, but Jackson disregarded this writ and, deeming it a contempt, summoned the judge before him to answer for his conduct in the matter.† Fromeñtin, under a plea of indisposition, failed to appear, but presently went, as he said, to give a friendly explanation. As may be surmised, the interview was a stormy one and, after each had lost his temper, they took up the matter, bitterly assailing one another's characters.* After much altercation between the governor and the judge, the subject was dropped between them, to be taken up in the newspapers,† until finally the *Richmond Enquirer* remarked: "Our newly acquired territory of Florida is productive — of documents."‡ General Jackson's summary proceedings had touched the Castilian pride to the quick, and a remonstrance was published in the Pensacola paper against Jackson's acts with regard to Callava. Deeming this an unwarranted interference with his authority, Jackson ordered the men responsible for the publication immediately to depart from the country on pain of imprisonment.‖ Accordingly, with but little time allowed them for settling their affairs and disposing of their property, twelve persons were compelled to sail for Havana. A similar controversy occurred with the governor of East Florida in connection with the archives of that province, and in October it was settled in the same summary manner. The papers were seized and secured and the Spaniards had no alternative but to submit.§

Thus a third time Jackson had indiscreetly embroiled the Government

* See the letters regarding this in *American State Papers, Foreign Relations,* vol. iv., p. 767 *et seq.; Miscellaneous,* vol. ii., pp. 799–913; Parton, *Life of Jackson,* vol. ii., pp. 614-633; *Niles' Register,* vol. xxi., pp. 73–75, 86–89, 149–154; *Annals of Congress,* 17th Congress, 1st session, p. 1952 *et seq.*

† Sumner, *Life of Jackson,* p. 70.

* Schouler, *United States,* vol. iii., p. 243.

† See Parton, *Life of Jackson,* vol. ii., p. 634 *et seq.*

‡ Schouler, *United States,* vol. iii., p. 243.

‖ For the proclamation see *Niles' Register,* vol. xxi., p. 136. See also pp. 171–173.

§ *American State Papers, Foreign Relations,* vol. iv., p. 79 *et seq.* On the entire affair see also the papers in *Annals of Congress,* 17th Congress, 1st session, pp. 2296–2570.

when courtesy and patience would probably have smoothed over all difficulties. Monroe blamed himself for appointing the quarrelsome general to an office with such ill-defined powers. For several days the Cabinet discussed the situation and were so perplexed and divided over the law and justice of the matter, as well as over the political phases of the dispute, that no conclusion was reached. The newspapers indulged in much inflammatory talk, while Adams seemed to be the only prominent person to defend Jackson. However, when word arrived that Callava had been imprisoned for only a day and that Jackson's banishment of the others had resulted in no serious disturbance, Monroe's course was much easier; and, to lessen the perplexity, Jackson returned to Nashville and tendered his resignation, which was accepted toward the close of the year.* In his annual message of December 3, 1821, Monroe mildly reviewed the situation in Florida, recommending that a well-organized territorial government be established there † and as the population had increased to 5,000 males, Florida, by an act approved March 30, 1822,‡ was organized into a Territory of the first grade.

CHAPTER XXX.

1815–1825.

FOREIGN AFFAIRS: RELATIONS WITH GREAT BRITAIN.

American fishery rights under the treaty of 1783 — Failure of the commissioners at Ghent to adjust the dispute — Captures of American fishermen — Adam's letter and Bathurst's reply — Further seizures of American vessels — Negotiation of the Convention of 1818 — Dispute over the northern boundary — Settlement of Astoria by the fur traders — The boundary compromise — The Russian edict — Adams' instructions to Middleton — The treaty with Russia — Discussion of the occupation of Oregon — Benton's speech — Rejection of the bill.

While Jackson was conducting his campaign against the Seminoles, an important treaty was under way with Great Britain. Though it was feared that his conduct would delay and possibly even prevent the ratification of this treaty, no such evil consequences followed, and it was soon brought to a satisfactory conclusion. The treaty grew out of the dispute as to the right of Americans to share in the Northeastern fisheries, the main difficulty being the interpretation of the third article of the definitive treaty of peace of 1783. As defined by Article III. of the treaty of 1783, these rights were as follows:

"That the people of the United States shall continue to enjoy, unmolested, the right to take fish of every kind on the Grand Bank, and on all

* Schouler, *United States*, vol. iii., pp. 244–245.

† Richardson, *Messages and Papers*, vol. ii., pp. 104–105.

‡ For text see Thorpe, *Federal and State Constitutions*, vol. ii., pp. 657–662. For debate in Congress see *Annals of Congress*, 17th Congress, 1st session, pp. 182, 194, 226, 238, 275, 277, and for text, pp. 2578–2584.

the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used, at any time heretofore, to fish; and also, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coasts of Newfoundland as British fishermen shall choose, but not to dry or cure the same on that island; and also on the coasts, bays and creeks, and all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen Islands and Labrador, as long as the same shall remain unsettled; but as soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose, with the inhabitants, proprietors, or possessors of the ground."*

For some time after the signing of the treaty, the fisheries were prostrate, though they did give employment to 540 ships and 3,300 seamen.† But by 1789 the business had so declined that Congress endeavored to revive the industry by granting a bounty on dried and pickled fish, and by making an annual allowance for each ton of the ship. At the beginning of the Nineteenth century, the British fishermen began to complain that the Yankees were ruining them, but as they were unable to secure aid from the mother country, they took matters into their own hands, stopping and searching vessels going to and returning from the Grand Banks, forcing them to pay toll as they passed through the Gut of Canso, and compelling them to pay light money and anchorage if they came to anchor in any bay. The American fishermen thereupon complained to Congress. The long Embargo relieved the British fishermen of this hated competition, but though the relief was only temporary, the British fishermen were greatly in favor of it, and when the War of 1812 began they besought the mother country never again to grant such liberties to Americans.* When the negotiations for peace were opened in 1815, the New England States clamored for "no peace without the fisheries."† The conduct of New England during the war had made her no friends, as is witnessed by the letters of a number of the statesmen of the time. Writing to Wilson C. Nicholas, November 25, 1814, President Madison said:

"You were not mistaken in viewing the conduct of the Eastern States as the source of our greatest difficulties in carrying on the war; as it certainly is the greatest, if not the sole inducement with the enemy to persevere in it. The greater part of the people in that quarter have been brought by their leaders, aided by their priests, under a delusion scarcely exceeded by that recorded in the period of witchcraft; and the leaders themselves are becoming more desperate in the use they make of it. Their object is power. If they could obtain it by menaces, their efforts would stop there. This failing, they are ready to go to every length for which they can train their followers. Without foreign co-operation, revolt and separation will hardly be risked; and what the effect of so profligate an experiment would be, first, on misguided partizans, and next on those remaining faithful to the nation, who are re-

* Schuyler, *American Diplomacy*, pp. 404–405; Henderson, *American Diplomatic Questions*, p. 485.

† McMaster, vol. iv., p. 459.

* Henderson, *American Diplomatic Questions*, pp. 488–489.

† For a view of the negotiations regarding fishery rights, see Henderson, *American Diplomatic Questions*, p. 492 *et seq.* See also chap. xxv., *ante*.

sponsible for their consistency, and even for their numbers, is for conjecture only. The best may be hoped, but the worst ought to be kept in view."*

Hence when it became known that the English commissioners had refused to consider peace unless the fisheries were surrendered, the sentiment in the Middle and Southern States was, as a newspaper expressed it, that "peace was better than codfish." Unfortunately, while conducting the negotiations for peace, the American commissioners fell into a dispute among themselves over Adams' disposition to allow the British the right to navigate the Mississippi in return for the right to fish on the banks. Clay declared that he would never sign a treaty allowing the British the right to navigate the Mississippi, and as neither would give in, both topics were omitted from the treaty. This the colonists construed as being an abrogation of all fishing rights, for they declared that the war had abrogated the treaty of 1783, and that therefore the right to fish in British waters granted under that treaty was ended when the war began.

Acting under this theory, the British warships began to capture American fishing vessels, and in July of 1815 news reached Boston that the British sloop of war *Jaseur* had taken eight American vessels caught fishing on the western coast of Nova Scotia. They were detained for 48 hours, but were released after having been forbidden to fish within three miles of the western coast. About the same time another vessel entered the port of Barnstable, and reported that when 45 miles from Cape Sable she had been boarded by an officer of the *Jaseur* and that across her enrolment and license were written the words "warned off the coast by His Majesty's Sloop *Jaseur*. Not to come within 60 miles."* On being apprised of this action, Monroe, on July 18, 1815, demanded an explanation of Sir Anthony St. J. Baker, the British chargé. The latter informed Monroe that the action of the British captain had not been authorized by the British government,† but this did not alter the situation so far as the fishermen were concerned, for the action of the British ship had made a complete failure of the summer's work. On July 21, 1815, Monroe sent a note to John Quincy Adams, minister at the Court of St. James, reciting the facts, defining the position of the United States, declaring that the Americans still possessed the fishing rights acknowledged by the treaty of 1783, and instructing Adams to take the matter up with the British authorities.‡ On securing an interview with Lord Bathurst, Adams was informed that the act of the *Jaseur's* captain had been disavowed, and that

* Madison's *Works* (Congress, ed.), vol. ii., pp. 593–594.

* *American State Papers, Foreign Relations*, vol. iv., p. 348.

† *Ibid*, pp. 348–349.

‡ *Ibid*, p. 349; *Annals of Congress*, 15th Congress, 2d session, p. 1447.

during 1815 no American fisherman would be deprived of the rights enjoyed under the treaty of 1783; but that after 1815 American fishermen would be excluded from fishing within one marine league of the shores of the British possessions in North America, and from drying and curing fish in the unsettled parts of those territories and from such parts as had become settled since 1783. He said that Great Britain did not intend to molest American fishermen, so long as they remained without her jurisdiction of one marine league. Adams then expressed the hope that nothing definite would be decided upon until he could present the view of the United States regarding the fisheries.* On being assured that such a document would receive careful consideration, Adams submitted it on September 25, 1815.†

Adams opened his argument by stating that from the very time that the English colonies were planted in America until their separation from the mother country in 1776, all subjects of the empire had enjoyed the liberties of catching, drying and curing fish in common; that the Americans had been the original discoverers and improvers of the fisheries, had used the grounds more than any other subjects of the empire, and had borne more than their full share of the burdens of expelling the French from those coasts where the fisheries were situated. Adams then continued thus:

"It was doubtless upon considerations such as these that in the treaty * * * of 1783 an express stipulation was inserted, recognizing the rights and liberties which had always been enjoyed by the people of the United States in these fisheries, and declaring that they should continue to enjoy the right of fishing on the Grand Bank and other places of common jurisdiction, and have the liberty of fishing and of drying and curing their fish within the exclusive British jurisdiction on the North American coasts, to which they had been accustomed while themselves formed a part of the British nation. This stipulation was a part of that treaty by which His Majesty acknowledged the United States as free, sovereign and independent States and that he treated with them as such.

"The fishing rights were in no respect grants from the King of Great Britain to the United States; but the acknowledgment of them as rights and liberties enjoyed before the separation of the two countries, and which it was mutually agreed should continue to be enjoyed under the new relations which were to subsist between them, constituted the essence of the article concerning the fisheries. The very peculiarity of the stipulation is an evidence that it was not, on either side, understood or intended as a grant from one sovereign to another. Had it been so understood, neither could the United States have claimed, nor would Great Britain have granted, gratuitously, any such concession. There was nothing, either in the state of things, or in the disposition of the parties, which could have led to such a stipulation, as on the ground of a grant, without an equivalent by Great Britain.

"If the stipulation of the treaty of 1783 was one of the conditions by which His Majesty acknowledged the sovereignty and independence of the United States; if it was the mere recognition of rights and liberties previously existing and enjoyed, it was neither a privilege gratuitously granted nor liable to be forfeited by the mere existence of a subsequent war. If it was not forfeited by the war, neither could it be impaired by the declaration of Great Britain, that she did not intend to renew the grant. Where there had been no gratuitous concession, there could be none to renew; the rights and liberties of the United States could not be cancelled by the declaration of Great Britain's intentions. Nothing could

* Adams to Monroe, September 19, 1815, *American State Papers, Foreign Relations*, vol. iv., p. 350.

† McMaster, vol. iv., pp. 461–462.

abrogate them but the renunciation of them by the United States themselves.

"Among the articles of that same treaty of 1783, there is one stipulating that the subjects and citizens of both nations shall enjoy, forever, the right of navigating the Mississippi, from its sources to the ocean. And although, at the period of the negotiations of Ghent, Great Britain possessed no territory upon that river, yet the British plenipotentiaries, on their first vote considered Great Britain as still entitled to claim the free navigation of it, without offering for it any equivalent. And, afterwards, when offering a boundary line, which would have abandoned every pretension even to any future possession on that river, they still claimed, not only its free navigation, but a right of access to it from the British dominions in North America, through the territories of the United States. The American plenipotentiaries, to foreclose the danger of any subsequent misunderstanding and discussion upon either of these points, proposed an article recognizing anew the liberties on both sides. In declining to accept it, the British plenipotentiaries proposed an article engaging to negotiate, in future, for the renewal of both, for equivalents to be mutually granted. This was refused by the American plenipotentiaries, on the avowed principle that its acceptance would imply the admission on the part of the United States that their liberties in the fisheries, recognized by the treaty of 1783, had been annulled, which they declared themselves in no manner authorized to concede.

"Let it be supposed, my lord, that the notices given by the British plenipotentiaries, in relation to the fisheries had been in reference to another article of the treaty; that Great Britain had declared she did not intend to grant again, gratuitously, the grant in a former treaty of peace, acknowledging the United States as free, sovereign and independent States; or, that she did not intend to grant, gratuitously, the same boundary line, which she had granted in the former treaty of peace: is it not obvious that the answer would have been that the United States needed no new acknowledgment of their independence, nor any new grant of a boundary line?—that if their independence was to be forfeited, or their boundary line curtailed, it could only be by their own acts of renunciation, or of cession, and not by the declaration of the intentions of another Government? And, if this reasoning be just with regard to the other articles of the treaty of 1783, upon what principle can Great Britain select one article, or a part of one article, and say, this particular stipulation is liable to forfeiture by war, or by the declaration of her will, while she admits the rest of the treaty to be permanent and irrevocable? In the negotiation of Ghent, Great Britain did propose several variations of the boundary line, but she never intimated that she considered the line of the treaty of 1783 as forfeited by the war, or that its variation could be effected by the mere declaration of her intentions. She perfectly understood that no alteration of that line could be effected but by the express assent of the United States; and, when she finally determined to abide by the same line, neither the British nor the American plenipotentiaries conceived that any new confirmation of it was necessary. The treaty of Ghent in every one of its essential articles, refers to that of 1783 as being still in full force. The object of all its articles, relative to the boundary, is to ascertain with more precision, and to carry into effect, the provisions of that prior compact. The treaty of 1783 is, by a tacit understanding between the parties, and without any positive stipulation, constantly referred to as the fundamental law of the relations between the two nations. Upon what ground, then, can Great Britain assume that one particular stipulation in that treaty is no longer binding upon her?" *

In his reply on October 30, 1815, Bathurst denied the righteousness of Adams' contention, since the treaty had been abrogated by the war. He said also that while she had the *right* to catch fish on the Newfoundland Banks, the United States had only the *liberty* to cure and dry fish in certain unsettled places within the British territory. Throughout the treaty the word "right" was used as applicable to what the United States might enjoy by virtue of recognized independence, but the word "liberty" was applied to what they were to enjoy as *concessions*, as

* *American State Papers, Foreign Relations*, vol. iv., pp. 352–354; *Annals of Congress*, 15th Congress, 1st session, pp. 1454–1459.

grants arising from the treaty itself. Nevertheless Great Britain was willing to negotiate for a modification of these rights.*

Mr. Adams was prevented by a long illness from answering this note before January 22, 1816,† by which time Lord Castlereagh had resumed his duties as Secretary of State for Foreign Affairs. Castlereagh assured Adams that Great Britain was willing to treat, and as Adams had not been given power to enter into negotiations, full power was sent to Charles Bagot, the new British minister at Washington. In opening the negotiations, Bagot offered the American fishermen the liberty to dry and cure fish on the unsettled parts of the coast of Labrador, from Mt. Joli eastward to the bay and isles of Esquimaux, near the western entrance of the straits of Belle Isle, but he insisted that the American fishermen should abandon their claims to fish or cure fish within the maritime limits of any other of the coasts of British North America. Ascertaining from the Marblehead and Salem fishermen that it would be more advantageous to have no eastern limit, but to extend the liberty through the straits and indefinitely along the coast of Labrador, Monroe suggested a modification which Bagot refused to consider. On November 27, 1816, the latter proposed the south coast of Newfoundland, from Cape Ray eastward to the Rameau Islands, or longitude 57° west from Greenwich.* The fishermen declared that the Newfoundland coast was as little used as the Labrador coast. Monroe, therefore, on December 30, 1816, rejected the alternative.† The next day Bagot offered both coasts,‡ but on January 7 Monroe declined the offer on the ground that neither of these coasts was used by American fishermen.‖

Meanwhile British war vessels were continuing to capture the American fishermen. During the summer of 1816 a British warship captured several while fishing three leagues from land, but after a detention of four days they were released. The American fishermen were not disposed to abandon the struggle for rights on the banks, and on the opening of the fishing season of 1817, a fleet of 20 vessels sailed to the western banks, only a few of which, however, arrived there in safety, the others having been overtaken by storm and driven ashore. The British commander of the North American station, Sir David Milne, now sent the *Dee* under Captain Samuel Chambers, to cruise between Sambro Light and Cape Sable, directing him to "use every means in [his] power for the protection of the

* *American State Papers, Foreign Relations*, vol. iv., pp. 354–356; *Annals*, pp. 1460–1465.

† *American State Papers, Foreign Relations*, vol. iv., pp. 356–359; *Annals*, pp. 1466–1475.

* *Annals*, pp. 1486–1488.

† *Annals*, p. 1489.

‡ *Annals*, pp. 1489–1490.

‖ *Annals*, p. 1491.

revenues as also the fisheries on the coast against the encroachment of foreigners. On your meeting with any foreign vessel, fishing or at anchor in any of the harbors or creeks in His Majesty's North American provinces, or within our maritime jurisdiction, you will seize and send such vessel so trespassing to Halifax for adjudication, unless it should clearly appear that they have been obliged to put in there in consequence of distress."* Shortly after setting out, Captain Chambers captured nine American vessels in Ragged Island harbor, where they were found at anchor with their nets set.† These vessels were sent to Halifax. At Cape Negro, nine more were seized and taken to Halifax,‡ where, after a long delay, they were brought to trial. The judge assented to the argument of the advocate general that the war had abrogated the fishing liberties granted to the Americans by the treaty of 1783, but he refused to condemn the ships, because Great Britain had made public no specific prohibition since the treaty of Ghent, and because none of the men on trial had been taken in the act of fishing or trading with the inhabitants. He then ordered the vessels restored to their owners when the costs had been paid.*

Adams had now returned to enter the office of Secretary of State, and Richard Rush was appointed his successor at the Court of St. James. On November 6, 1817, Rush was instructed to conclude a commercial treaty to supersede the commercial convention of July of 1815,† but hardly had he arrived in London before England refused to open her colonial trade to American merchants, which action instigated the Plaster of Paris Act, the Navigation Act, and a change in his instructions. On May 22, 1818, he was directed to conclude a commercial treaty, to offer a continuation of the convention of 1815, and to request that the old grievances should be adjusted.‡ If the British government were willing to negotiate, Gallatin, then minister to France, was to join Rush immediately. Upon receiving a favorable reply from the British government,‖ Gallatin joined Rush, and on August 27 met the British commissioners appointed to confer with them — Frederick John Robinson, and Henry Goulburn.§ The conference termi-

* *American State Papers, Foreign Relations*, vol. iv., pp. 369–370; *Annals*, p. 1499; *Niles' Register*, vol. viii., p. 384; Elliott, *Northeastern Fisheries*, p. 58.

† Chambers to Milne, June 8, 1817, *American State Papers, Foreign Relations*, vol. iv., p. 370; *Annals*, p. 1500. See, however, Rush's letter to Bagot, *American State Papers, Foreign Relations*, vol. iv., p. 369.

‡ *American State Papers, Foreign Relations*, vol. iv., p. 370.

* McMaster, vol. iv., pp. 466–467.

† *Annals*, pp. 1500–1501.

‡ Adams to Rush, May 22, 1818, *American State Papers, Foreign Relations*, vol. iv., pp. 371–372; *Annals*, pp. 1503–1505.

‖ *Annals*, pp. 1511–1514.

§ *American State Papers, Foreign Relations*, vol iv., pp. 374–375.

nated on October 20, when the convention of 1818 was signed.* The American representatives had been given power to abandon the claim of Americans to the right to take, cure, and dry fish within the British jurisdiction generally, but they were to insist that such liberties be granted American fishermen along the southern coast of Newfoundland, from the Rameau Islands to Cape Ray, and along the coast of Labrador, from Mt. Joli through the Straits of Belle Isle, and northward indefinitely.† The commissioners secured better terms than was expected. It was agreed that American citizens were forever to have the right to catch fish on the shores of the Magdalen Islands, on the coast of Newfoundland, from the Rameau Islands to Cape Ray, and thence to the Quirpon Islands, and along the shores of Labrador, from Mt. Joli through the straits of Belle Isle, and northward indefinitely. It was provided also that American fishermen should forever have the right to dry and cure fish in any of the unsettled bays, harbors, or creeks of Newfoundland, from Rameau Islands to Cape Ray, and on the coast of Labrador, from Mt. Joli eastward and northward. In consideration of these liberties, no American fishermen were to take, dry, or cure fish within three miles of any other of the coasts, bays, creeks, or harbors of the British North American possessions, though they were allowed to enter any of these bays, creeks, or harbors to seek shelter, make repairs, buy wood or obtain water.*

Again, in connection with the northern boundary, the American representatives did better than had been expected. They were directed to secure a northern boundary from the Lake of the Woods as far west as possible. By the treaty of 1783, the northern boundary was defined as a line due west from the northwestern point of the Lake of the Woods to the Mississippi. As it was found almost impossible to draw such a line, it was agreed that a joint survey be made to establish a new line, but this survey was not made, and in 1803, when Rufus King concluded his convention, the boundary was defined as the shortest line from the northwest

* *American State Papers, Foreign Relations*, vol. iv., pp. 380–393; *Annals*, pp. 1526–1572.

† *American State Papers, Foreign Relations*, vol. iv., pp. 375–378. Adams says: "For my own part, I had always been averse to any proposal of accommodation. I thought our whole right, as stipulated by the treaty of 1783, so clear that I was for maintaining the whole; and if force should be applied to prevent our fishermen from frequenting the coast, I would have protested against it, and reserved the right of recovering the whole by force whenever we should be able. It had, however, been otherwise determined here, and a proposal had been promised."—*Memoirs of J. Q. Adams*, vol. iv., p. 96.

* *Niles Register*, vol. xv., pp. 434–436; Snow, *Treaties and Topics in American Diplomacy*, pp. 79–81; *Treaties and Conventions of the United States*, p. 415. See also Schuyler, *American Diplomacy*, p. 408 *et seq.*; Henderson, *American Diplomatic Questions*, pp. 498–500; Moore, *American Diplomacy*, pp. 92–93; Foster, *Century of American Diplomacy*, pp. 254–256.

corner of the Lake of the Woods to the Mississippi. Fortunately, this convention was never ratified, and the Louisiana purchase added new interest to the boundary question. In 1806 the question was raised once more, and three propositions were made. Great Britain demanded the 49th parallel, from the Lake of the Woods to the Rocky Mountains, but as Monroe and Pickney were not sure that this parallel touched the Lake, they proposed a line beginning at the northwesternmost point of the Lake, and running due north and south until it met the 49th parallel, and then along it to the Rockies. Monroe finally offered a line that was agreed upon, but the treaty was never even sent to the Senate, and thus the boundary remained unfixed at the time of the Ghent meeting.*

Meanwhile, after Lewis and Clark returned in 1806 from their exploring expedition in the far northwest, the American fur traders began to realize the value of the vast unused hunting grounds, and shortly afterward the Missouri Fur Company was formed to engage in the traffic. Inside of two years several trading posts had been established on the upper Missouri, and another far beyond the Rockies at the headwaters of the Lewis River, though the latter was abandoned in 1810. In the latter year the Pacific Fur Company was founded by John Jacob Astor, of New York, and in March of 1811 operations were begun on the south bank of the Columbia River, about eight miles from the ocean. The spot selected was named Astoria, in honor of the man who had promoted the enterprise, and preparations were made for putting up a factory, planting gardens, and opening a trade with the Indians.* In July of that year, however, a party of Englishmen sent out by the British Northwest Fur Company arrived in the vicinity for the purpose of occupying the mouth of the river and taking possession of the surrounding country, but on arriving found the Americans in possession. After the declaration of war in 1812, some employes of the Northwest Fur Company arrived at Astoria and informed the men of the Pacific Fur Company that the British government had sent a frigate and an armed ship to take possession of the mouth of the Columbia, furthermore giving the Americans the information that the Atlantic coast was already blockaded by English squadrons. The Americans were so terrified that on October 16, 1812, they sold all the buildings and property to the Northwest Fur Company for $40,000.†

* McMaster, vol. iv., pp. 469–470.

* On this expedition see Washington Irving, *Astoria;* Bancroft, *North West Coast*, vol. ii., chaps. vii., xvi.; Parton, *Life of Astor;* Ross Cox, *Adventures on the Columbia River* (London, 1831); Alexander Ross, *Adventures of the First Settlers on the Oregon or Columbia River* (London, 1849) and *Fur Hunters of the Far West* (2 vols., London, 1855).

† McMaster, pp. 470–473.

When the peace commissioners met at Ghent this sale was unknown, each party bringing up the line offered in 1806, though the British stipulated that Englishmen should have access across the territories of the United States to the Mississippi, and free navigation of that river from its source to the Gulf. As before stated, Clay would not agree to any such proposition, and as the commissioners would not separate the two questions, the matter was left in abeyance. The first article of the treaty of Ghent stipulated that "all territory, places, and possessions whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, shall be restored without delay and without causing any destruction, or carrying away any of the artillery, or other public property originally captured in the said territories or places, and which shall remain therein, upon the exchange of the ratifications of this treaty, or in slaves or other private property." On July 18, 1815, therefore, Monroe declared to the British chargé that the United States demanded the restoration of Astoria.* It was not before October of 1817, however, that a ship sailed from New York for this purpose, and upon her departure Mr. Charles Bagot, on November 26, 1817, remonstrated on the theory that the country adjacent to the Columbia was a British possession.* But Bathurst did not sustain Bagot in his contention,† and on October 6, 1818, Astoria was surrendered to the American commissioners.‡

Meanwhile a temporary arrangement had been made at London regarding the actual ownership. In 1818 the American commissioners proposed that the northern boundary consist of a line due north or due south from the most northwestern point of the Lake of the Woods to the 49th parallel, and thence due west to the Pacific, stipulating, however, that west of the Rocky Mountains the citizens of each nation should enjoy the navigation of all rivers, and the free use of all the ports and harbors within the territory of the other. The boundary as suggested was acceptable to Great Britain, as far as the Rocky Mountains, but west of them she insisted that the territory lying between the 45th and 49th parallels should be jointly occupied. The matter was compromised on October 20, 1818, by accepting the line suggested by the Americans to the Rocky Mountains, west of which the country claimed or possessed by either was to be jointly occupied for ten years.|| The commercial convention of July 3, 1815, was

* Von Holst *Constitutional and Political History*, vol. iii., p. 35.

* *American State Papers, Foreign Relations*, vol. iv., p. 852.

† Rush to Adams, February 14, 1818, *ibid*, p. 853: "Lord Castlereagh admitted, in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title."

‡ Prevost to Adams, November 11, 1818, *ibid*, pp. 854–855.

|| *Statutes-at-Large*, vol. vii., p. 249.

also extended for ten years, while the question of damages for slaves carried off at the end of the war was held open, subject to arbitration.* An article on the impressment of seamen presented by the British commissioners and one on blockade contraband and certain other matters failed to be adopted at the conferences.†

In the autumn of 1818 Mr. J. B. Prevost, the American commissioner dispatched by the President to receive the formal delivery of Astoria, reported on the condition in the Oregon Territory; but, though his description of the country was glowing, it was not before December of 1820 that Congress took the matter under consideration. At this time a committee was appointed to inquire into the condition of the settlements in the Pacific Coast region and as to the expediency of occupying the mouth of the Columbia River. On January 25, 1821, this committee through John Floyd, of Virginia, made a long report and a bill was presented to authorize the occupation of the Columbia and to regulate trade with the Indian tribes. This report carefully reviewed the American title to the country, related the history of the discovery of the river and the Lewis and Clark expedition, told of the founding of Astoria, of the development of the fur trade, and ended with the statement that it was necessary only to establish a small and permanent post at the mouth of the Columbia to secure the development of Oregon.* This was provided for in the bill,† but so distant did Oregon seem to the majority of Congressmen that the report was considered visionary and the bill was laid on the table.‡ On September 4, 1821, the Emperor Alexander issued an edict extending the rights of commerce, whaling and fishing, and practically all other industries, exclusively to Russian subjects on the northwestern coast of America "beginning from Behring Strait to the 51st degree of north latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Strait to the South Cape of the Island of Urup, viz. — to 45° 50′ north latitude," and declared the sea a *mare clausum*. Foreign vessels were forbidden to land on the coast and island or to go within 100 Italian miles of them.‖ This edict

* McMaster, pp. 473–474; *American State Papers, Foreign Relations*, vol. ii., pp. 584–591; vol. iii., pp. 162, 164, 185; *U. S. Treaties and Conventions*, pp. 416, 428, 430; Moore, *International Arbitrations*, vol. i., p. 359 *et seq.*

† James B. Angell, *Diplomacy of the United States*, in Winsor, *Narrative and Critical History*, vol. vii., p. 491. See also, in connection with the negotiations, Rush, *Memoranda of a Residence at the Court of London.*

* *Annals of Congress*, 16th Congress, 2d session, pp. 945–957; Benton, *Abridgment*, vol. vii., pp. 74–81.

† *Annals*, pp. 958–959.

‡ Bruce, *The Romance of American Expansion*, pp. 116–117; Von Holst, *Constitutional and Political History*, vol. iii., pp. 37–38.

‖ Henderson, *American Diplomatic Questions*, pp. 4–5, 331; Callahan, *American Relations in the Pacific*, p. 33 *et seq.*; Schuyler, *American Diplomacy*, pp. 292–295. For text see *Annals of Congress*, 17th Congress, 1st session, pp. 2143–2152.

was given to Secretary of State Adams by the Russian Chevalier Pieere de Poletica, on February 25, 1822.* On March 30, 1822, Adams entered an energetic protest against the doctrines incorporated in the edict,† but on April 2 Poletica cut short the discussion because he had no authority to continue it.‡

In his annual message to Congress in December of 1822,‖ Monroe suggested that the United States seriously think of occupying Oregon. The bill of 1821 was again brought up and many speeches were made portraying the advantages of settling the Pacific Coast, but to no purpose, since the House refused to consider the subject.§ A short time afterward, however, Senator Benton moved in the Senate that the Committee on Foreign Relations be instructed to inquire into the expediency of taking possession of the territories on the northwest coast. The Senate agreed to this, but as the session soon ended, no report was made.* On April 24, 1823, Baron de Tuyl, who had succeeded Poletica as Russian minister to the United States, sent a note to Adams requesting that the American minister at St. Petersburg, Mr. Henry Middleton, be empowered to settle the differences by negotiation.† Accordingly, on July 22, Adams instructed Middleton to admit no part of the Russian claims and to rest the American claims on the Spanish treaty of 1819, wherein Spain claimed the rights to the coast north of the 42d degree. He was to base his claims also on Gray's discovery of the Columbia, Lewis and Clark's exploration, and the settlement at Astoria. He was empowered to agree that no citizen of either nation should establish a settlement on the territory of the other without permission, and that no American settlements should be made north, and no Russian settlements south, of the 55th degree of north latitude.‡ Great Britain had also protested against the imperial edict and had likewise been invited to a conference for an adjustment of her claims. It

* *American State Papers, Foreign Relations*, vol. iv., pp. 856–857. The text of the decree is on pp. 859–861. See also Henderson, *American Diplomatic Questions*, p. 6; Snow, *Treaties and Topics in American Diplomacy*, pp. 472–473; *Niles' Register*, vol. xxii., p. 149 *et seq.*

† *American State Papers, Foreign Relations*, vol. iv., p. 863; *Annals*, p. 2157.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 863–864; *Niles' Register*, vol. xxii., pp. 152–153; *Annals*, pp. 2158–2160. See also W. Sturgis, *Examination of the Russian Claims to the Northwest Coast of America*, in *North American Review*, vol. xv., pp. 370–401 (October, 1822).

‖ Richardson, *Messages and Papers*, vol. ii., pp. 185–195; *Annals of Congress*, 17th Congress, 2d session, pp. 12–21.

§ *Annals*, pp. 396–409, 411–423, 430, 583–602 678–688, 691–696, 700; Benton, *Abridgment*, vol. vii., pp. 392–405.

* *Annals*, pp. 235, 246–251; Bruce, *The Romance of American Expansion*, pp. 117–118.

† *American State Papers, Foreign Relations*, vol. v., p. 435.

‡ *Ibid*, pp. 436–437, 443 *et seq.* See also Schuyler, *American Diplomacy*, p. 297; Snow, *Treaties and Topics in American Diplomacy*, p. 475; *Memoirs of John Quincy Adams*, vol. vi., p. 159; Henderson, *American Diplomatic Questions*, p. 332; Foster, *Century of American Diplomacy*, pp. 265–266.

was supposed that both Great Britain and the United States would carry on a joint negotiation with Russia, but the British envoy was not empowered to conclude anything, and therefore Middleton began the negotiations on behalf of the United States alone. He suggested that the boundary line be made the 55th degree, but Russia offered 54 degrees 40 minutes, and this proposition was accepted and incorporated in the convention signed April 17, 1824.* In this convention it was agreed:

"That in any part of the Great Ocean; commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the joint contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing or in the power of resorting to the coast, upon points which may not already have been occupied for the purpose of trading with the natives."†

Russia also granted the United States the privilege of frequenting for ten years "without any hindrances whatever the interior seas, gulfs, harbors, and creeks upon the coast * * * for the purpose of fishing and trading with the natives of the country." The sale of spirituous liquors, firearms, powder or munitions of war to the natives was forbidden.‡

It now seemed fitting that the United States and Great Britain should adjust their differences regarding the Oregon Territory. Accordingly, on July 22, 1823, Adams instructed Rush to bring the matter before the British officials. He was not to admit as lawful the Russian application of the colonial principle of exclusion from any part of the northwest coast of America. He was to stipulate that in future the Russians should make no settlements south of the 55th degree, that north of the 51st degree the citizens of the United States should not settle, and south of 51st degree or north of 55th degree the British subjects should not settle; but, if England insisted, Rush was empowered to accept the 49th degree as the boundary from the Rocky Mountains to the sea.* Great Britain, however, considered the unoccupied parts of America open for settlement exactly as they had been in the past and refused to make an exception of the northwest coast either north of the 42d degree or south of the 51st degree. She therefore rejected both propositions. The British officials suggested a compromise line — the parallel of the 49th degree from the summit of the Rocky Mountains to the northeasternmost branch of the Columbia River, and thence westward to the Pacific. This proposition was promptly rejected by Rush, who then suggested that the line be the parallel of the 49th degree from the mountains to the sea. Again England declined the offer and

* *American State Papers, Foreign Relations*, vol. v., pp. 457–470. For text see Snow, *Treaties and Topics*, pp. 132–134; *American State Papers, Foreign Relations*, vol. v., pp. 432–434, 583–584; *Register of Debates*, 18th Congress, 2d session, vol. i., app., pp. 65–66; *Niles' Register*, vol. xxvii., p. 323.

† Henderson, *American Diplomatic Questions*, p. 8.

‡ Schuyler, *American Diplomacy*, p. 299.

* *American State Papers, Foreign Relations*, vol. v., pp. 446–448.

in July of 1824 the negotiations ended.*

On December 7, 1824, when Monroe sent his last annual message to Congress,† he again called attention to American interests on the Pacific and urged that a military post be established at the mouth of the Columbia River. On December 23, 1814, the House therefore, by a vote of 113 to 57, passed a bill providing for the occupation of the Columbia or Oregon River, but struck out that section which authorized the President to organize a territorial government if the public good required it.‡

Strong opposition was encountered, however, in the Senate, chiefly because of the great distance.|| It was objected also that the ten years of joint occupancy under the Convention of 1818 had not yet expired and that to establish a military fort there before the expiration of the time limit would be improper. Senator Dickerson, of New Jersey, said that from the mouth of the Columbia to the mouth of the Missouri was 3,555 miles, while from the mouth of the latter to Washington was 1,160 (1,148?) miles, and thus from the mouth of the Columbia to the Capitol at Washington it was 4,703 miles. If a representative from Oregon should start for the capital city, he would spend 531 days on the way at the rate of 20 miles a day, or at the rate of 30 miles a day, the journey would consume 350 days. Furthermore, at the rate paid the members for mileage, this journey would cost the United States $3,720.*

Benton answered these objections, reviewing at great length the basis for the American claims and, after disposing of the question of title, turned to that of occupation. He said that, while the United States had the right of possession, Great Britain had actual possession; that the latter resisted occupation by the former; and that after 1828 the party actually in possession would continue to hold the territory until the ownership was settled by arbitration or by forcible restoration. He said that while Prevost had taken possession of the fort and raised the stars and stripes to satisfy the terms of the Treaty of Ghent, he had taken no soldiers with him to man the fort, and consequently Great Britain was as much in possession of the fort as if Prevost had not arrived. Furthermore, five other posts had since been built along the banks of the Columbia from the sea to the mountains, and the United States was making no effort to counteract this movement. He reviewed the docu-

* McMaster, vol. v., p. 23.

† Richardson, *Messages and Papers*, vol. ii., pp. 248–264; Benton, *Abridgment of Debates*, vol. viii., pp. 93–100; *Register of Debates*, 18th Congress, 2d session, vol. i., app., pp. 1–8 and for the documents accompanying it referring to the above, p. 8 *et seq.*

‡ *Register of Debates*, 18th Congress, 2d session, vol. i., pp. 36–42, 59; Von Holst, *Constitutional and Political History*, vol. iii., p. 38.

|| Bruce, *The Romance of American Expansion*, pp. 119–120.

* Benton, *Abridgment of Debates*, vol. viii., p. 186; *Register of Debates*, vol. i., pp. 691–692.

mentary evidence in the case and proceeded as follows:

"In the case before the Senate, the United States have a right of possession as the true owners of the country; another right under the treaty of Ghent; and a further right of entry, under the terms of this convention. But the last right is a limited privilege, which has but two and a half years to run. If it is suffered to expire it will require no spirit of divination to foresee the result. All right of entry or possession will then be denied. Our rights as owners will be said to be limited in the convention which had expired; our rights under the Ghent treaty will be said to have been satisfied by the idle ceremony, rather worse than useless, in which her Prevost was an actor; and having the possession of the river, a fleet in its mouth, batteries upon its shores, a line of posts to Canada, and the command of 140,000 Indians, Great Britain may safely take the attitude of defiance and trust to her arms for the defence of her position. That she will have the disposition to do so will be doubted by no one. * * *

"Gentlemen have asked: What are to be the advantages of this occupation? What the effect upon this Union? What the effect upon the Asiatic Powers? I answer, the advantages will be (1) Securing to us the fur trade of the Rocky Mountains, the Upper Missouri, and the Columbia * * *; (2) Preventing the British and Russians from acquiring the control of the Indians on the waters of the Columbia * * *; (3) Giving us a naval station on the coast of the Pacific * * *; (4) Opening a communication between the Valley of the Mississippi and the Pacific Ocean * * *; and (5) the greatest of all * * * the exclusion of foreign powers from it [Oregon]. * * * [Regarding the effect upon the Union] he believed that the Union of these States would not be jeoparded by the occupation of that river, but it would be the means of planting the germ of a new and independent power beyond the Rocky Mountains. * * * This republic should have limits. The present occasion does not require me to say where these limits should be found on the North and South; but they are fixed by the hand of Nature. * * * Westward we can speak without reserve, and the ridge of the Rocky Mountains may be named without offence as presenting a convenient, natural and everlasting boundary. * * * In planting the seed of a new power on the coast of the Pacific Ocean, it should be well understood that, when strong enough to take care of itself, the new government should separate from the Mother Empire, as the child separates from the parent at the age of manhood. * * * Gentlemen may think that this is looking rather deep into the chapter of futurity; but the contrary is the fact. * * * Within a century from this day, a population, greater than that of the present United States, will exist on the west side of the Rocky Mountains. * * * The proposition [now] is to execute the Ghent treaty, to expel the British from the Columbia River, to perfect our title by reducing the disputed territory to possession. * * * On certain preliminary points both the Senate and the people would cordially agree, namely, neither to be tricked nor bullied out of their land nor to suffer a monarchial power to grow up upon it." *

Benton's speech fell upon deaf ears. In his report, Major Stephen H. Long had said:

"The vast region commencing near the sources of the Sabine, Trinity, Brazos, and Colorado, and extending northwardly to the forty-ninth degree of north latitude, by which the United States territory is limited in that direction, is, throughout, of a similar character. The whole of this region seems peculiarly adapted as a range for buffaloes, wild goats, and other wild game, incalculable multitudes of which find ample pasturage and subsistence upon it.

"This region, however, viewed as a frontier, may prove of infinite importance to the United States, inasmuch as it is calculated to serve as a barrier to prevent too great an extension of our population westward." †

With such a desert barrier between the Eastern States and Oregon, the Senate deemed discussion of the matter idle, and the bill for occupying the mouth of the Columbia River was laid on the table by a vote of 25 to 14.‡

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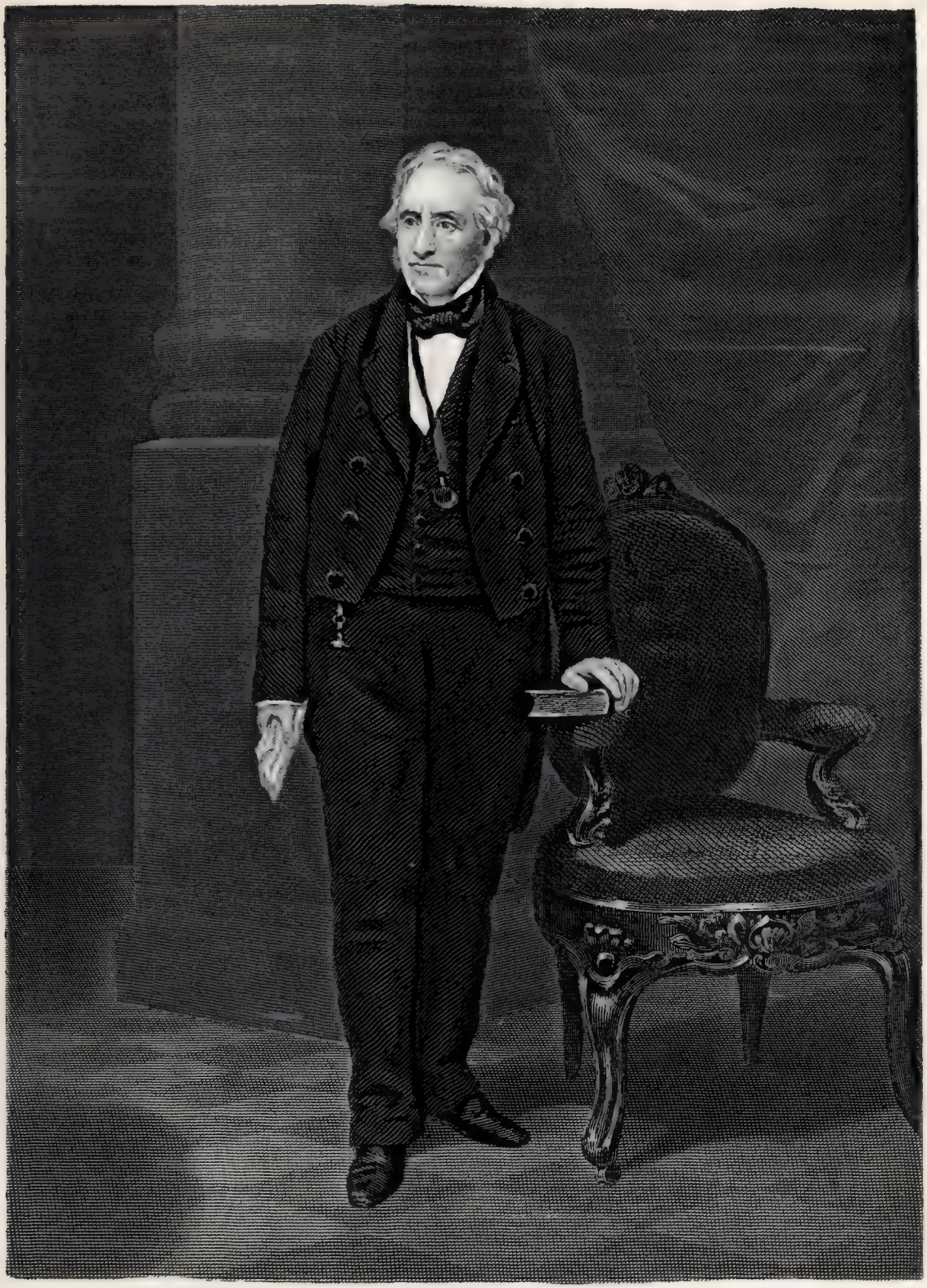
* For the entire speech see *Register of Debates*, 18th Congress, 2d session, vol. i., pp. 699–713; Benton, *Abridgment*, pp. 189–198.

† For the details of Long's expedition, see Thwaites, *Rocky Mountain Exploration*, pp. 210–216; S. H. Long's *Account of His Expedition in 1819–20*, Compiled by E. James (2 vols., Philadelphia, 1823); H. H. Bancroft, *Northwest Coast*, vol. ii., p. 342.

‡ McMaster, vol. v., p. 27.



Thomas H. Benton

CHAPTER XXXI.

1818–1825.

ANTI-BANKING: TARIFF REVISION.

The rage for borrowing — Methods of the State banks — Causes of the hard times — Mismanagement of the National Bank — Changes in its officers — Attempts of the States to tax it out of existence — The cases of McCulloch *vs.* Maryland and Osborne *vs.* the Bank of the United States — Anti-banking in Kentucky — Conditions in Missouri — Anti-banking in Georgia — Petitions to Congress for protection to American industries — Passage of the tariff of 1820 — The election of 1820 — Remonstrances against the tariff — Reports of the committees — Failure of Congress to act.

At the opening of the year 1818 the hard times which had been experienced by the manufacturers and traders a year before began to be felt by the people, who, carried away by the flush times of 1815, had engaged in speculation, had involved themselves in debt, and now began to reap the reward of their folly. The ease with which money could be borrowed was undoubtedly due to the great number of chartered banks, wild-cat banks, and other corporations, which were everywhere endeavoring to circulate their notes. As their inducements were tempting, the people began to borrow; and as the profits to the banks were very great, numerous others began to seek charters, until by 1818 392 banks were conducting business in the 23 States and Territories.* The methods to which the New York banks resorted in an effort to keep their notes in circulation brought on such widespread distress that Governor Clinton was finally induced to ask for remedial legislation. In his message to the legislature, Governor Clinton said that these institutions had been responsible for the banishment of metallic money, fictitious capital, the rise of prices, and the dangerous extension of credit, which could end only in general bankruptcy. In their report, rendered February 24, 1818, the committee to which this matter was referred declared the State banking system to be particularly bad.* Many of the banks had been guilty of numerous frauds. Some, in

* McMaster, vol. iv., p. 485. Dewey (*Financial History*, p. 154) gives different figures. He says in 1815 there were 208 State banks, with a capital of $82,000,000; in 1820 there were 307 banks, with a capital of $102,000,000 and deposits of $31,200,000; and on November 1, 1829, there were 320 banks, with a capital of $110,100,000 and deposits of $40,700,000.

* For the report see *Niles' Register*, vol. xiv., pp. 39–42.

order to get their notes into circulation, would deposit a small sum in specie in a distant bank for the purpose of redeeming its notes. This fact would be noised abroad, and when the bank bills had risen to par in that locality and were passing freely, a special issue would be made and signed with ink of an unusual color. The bank in which the specie had been deposited would then be ordered not to redeem in notes signed with ink of this color, and thus all who had taken the notes would lose just that much money. Other banks used "facility notes," which could not be deposited and which they would not take save in payment of a debt due the bank. Some banks would give large accommodations to certain persons who agreed to keep a certain sum of the bank notes in circulation for a specified time. Others would give discounts, provided the borrowers agreed to pay their notes in the bills of other banks, which would compel the borrower to collect and lay by the paper of rival institutions; but if by any misfortune he had not secured the necessary amount of paper from the rival bank when the note came due, the loaning bank would then sell him what paper he needed at a premium of from 14 to 20 per cent. On one occasion it was stipulated that no discounts should be given to anyone who traded at a certain store, because the owner had presumed to ask for current money with which to pay a debt in New York. In order to remedy this condition, the committee asked that a joint committee be appointed to investigate the conduct of the incorporated banks, in order to find out if any improper means had been used to circulate their paper, or if any had refused to redeem notes in specie. This committee was also to investigate the conduct of officers and directors to ascertain if any fraudulent or usurious transactions had been made by them.*

Under the conditions then existing, people began to look about for something to blame. The majority of the people thought that the banks were responsible for the hard times, and, being in an exasperated state of mind, they turned on the banks with such fury as seemed to threaten their further existence. Thus petitions and memorials were sent to the various State legislatures requesting that charters of such banks as refused to pay specie should be annulled. In other memorials it was said that the ease with which paper money had been obtained from the banks, had led the people into extravagance, speculation and indulgence in foreign luxuries far beyond their means. These importations from Europe were gradually draining the country of specie, and therefore the citizens should refrain from using a single article of foreign make which competed with those of domestic manufacture. In other words, citizens should combine to sup-

* McMaster, vol. iv., pp. 485–487.

port domestic manufactures and Congress should impose an additional duty on foreign fabrics to protect American workshops. One of the memorials circulated by the Pennsylvania Society for the Encouragement of American Manufactures stated that American manufactures could not compete with those of foreign countries because labor was too high; that mills and factories demoralized the people; that it was wrong to divert capital from farms and agriculture to factories; and that Congress ought to revise the tariff in such a manner as would revive the industries and afford effectual protection to them.

There was undoubtedly great depression in business at this time. As stated by the reports of various committees, in Philadelphia thirty branches of trade, which in 1816 employed 9,425 persons, then employed but 2,137; their wages had been reduced from $58,340 to $12,822 per week, and their annual earnings from $3,033,799 to $666,744. In the cotton manufacture the number of hands was reduced from 2,325 to 149; in book printing, from 241 to 170; in the potteries, from 132 to 27; in the woolen factories, from 1,226 to 260; in iron foundries, from 1,152 to 52; in paper and card factories, from 189 to 82; in the paper factories, from 950 to 175. A committee of Pittsburg citizens reported in December of 1819 that the number of persons employed had decreased from 1,960 in 1815 to 672, and the value of their manufactures from $2,617,833 to $832,000. In the steam engine factories the number of banks was reduced from 290 to 24; in the glass works, from 169 to 40; while not a single person was then employed in the manufacture of cotton, wire, umbrellas, pipes, and linen.* Such conditions were manifest in many portions of the country, especially in Rhode Island and New York, and the people were in a receptive mood for new suggestions as to tariff revision, particularly the enactment of such a law as would exclude British-made goods. The agitation regarding the latter became so widespread that the people were requested to withhold their support from Congressmen who would not vote for it, and shortly before the convening of Congress petitions requesting that heavier duties be laid on foreign goods were circulated in every manufacturing city and community. All over the North and East the people were meeting, complaining, organizing, and petitioning Congress and their State legislatures. The Providence manufacturers said that the foreign goods which had been sold at auction for less than cost had completely destroyed their business and had driven their employes into other fields of labor and into occupations little suited to their abilities. The States took widely divergent action. Ohio declared that the condition of the country was due to the lack of protection

* Bishop, *History of Manufactures*, vol. ii., p. 250. See also McMaster, vol. iv., p. 491.

for American industries, and asked that Congress prohibit the importation of foreign goods and appropriate sufficient money or men for the building of such roads and canals as would promote the general welfare of the Nation. In Vermont imprisonment for less than $15 debts was forbidden. Pennsylvania recommended that the Federal government protect all branches of industry, that the State begin work on public improvements, and that the rising generation be educated in principles of public economy. In New Jersey an act against usury was passed and 7 per cent. was made the legal rate of interest.*

In this state of affairs it was hardly possible that the Bank of the United States should escape the storm of general execration. When it first opened its doors for business in January of 1817, it had undertaken to force the State banks to reduce specie payments and to provide the country with a paper medium which would pass current in every State and Territory and be redeemable in specie on demand. The bank did not accomplish all that the people desired, however, and charges of mismanagement were freely circulated against its directors. When the bank first started business its actual specie capital was only $2,000,000, which was entirely insufficient for the purposes of the institution. Accordingly an agent was sent abroad at a salary of $20,000 to contract for specie, and during 18 months (between July of 1817 and December of 1818) more than $7,250,000 in gold and silver was imported. Thus the bank and its 18 branches, from Portsmouth to New Orleans, were able to cash notes wherever presented; but the cost of importing this money had been enormous, exceeding $500,000.* At this time the speculators who held shares in the banks far exceeded the capitalists; and, as the former were thus in charge of the operations of the bank; they guided its operations so as to secure enormous profits to themselves, regardless as to whether these operations conformed to the legitimate object for which the bank had been established. In their operations they used the following scheme: It would be agreed to discount the notes of stockholders for the payment of their installments upon the pledge of their stock without any other security, first at par and afterward for a 25 per cent. premium (requiring an endorser for the excess, however), these stock notes to be received indefinitely at the pleasure of the stockholders.† The result was that shares were bought without the advance of a single cent. A speculator would agree to purchase a number of shares, would apply to the directors for a loan, using as a security the stock engaged; then, by what was called a "simultaneous operation," the stock was transferred to

* McMaster, vol. iv., pp. 492–495. See also Taussig, *Tariff History*, p. 69.

* Sumner (*History of American Currency*, p. 76) gives the cost at $800,000.

† White, *Money and Banking*, p. 280.

him, pledged to the bank, and the discount made with the avails of which he paid for his stock. If the market should then rise, he would be able to sell his stock at an advance, pocket the difference, and repeat the operation as often as he desired. Consequently the price of bank shares rose until in September of 1817 it had reached $156.50 per share. Shortly afterward, however, a committee of Congress was appointed to investigate the condition of the bank, and the bubble burst, whereupon the shares dropped to $90 apiece, throwing many of the stockholders into bankruptcy. The principal scene of such operations was Baltimore, the management of the branch of the bank in the city having fallen into the hands of persons without capital — and also without principle. Some of the directors were interested in two or three commercial houses, which drew from the bank $1,500,000, and when the people awoke the defalcations in the Baltimore bank amounted to $700,000.

One of the chief benefits expected from the bank was the creation of a general currency of uniform value. For this purpose it was requisite that bills issued by any particular branch of the bank — and according to their tenor, payable at that branch only — should be received and paid both at the parent bank and at all its branches. Until July of 1818 this plan had been followed, but as soon as a branch would open in any region where specie was scarce and began to issue its notes, they would sell at a premium (paid for with State bank bills) and would be taken to some other branch of the bank where specie was plenty — there to be redeemed and the coin carried back to the place of scarcity. Having been thus redeemed, those bills would be returned to the branches whence they had been issued, to be again emitted. In the South and Western States there was little specie, and consequently enormous quantities of paper were emitted which soon found their way to the branches of the bank in the North, in return for which the specie was sent from the North to the branches in the South and West. The result was inevitable and, in self defence, the Northern banks were compelled to refuse payment and to begin a rapid curtailment of business in the Southwestern offices, which in eight months amounted to $6,500,000. When the branches began to stop discounts and press the local banks to redeem their paper, the local banks began to press the people to take up their loans — something they were unable to do, because much of it had been lost in reckless land speculation. General bankruptcy followed, and in their distress the debtors turned upon the bank and its branches as the cause of all their misery. One of the worst features of the whole situation was the fact that some of the most prominent directors of the bank, both those elected by the stockholders and those nominated by the Government, were implicated in

the schemes of speculation above mentioned. When the committee already referred to investigated the matter, it made a report (on January 16, 1819) setting forth the real cause of the embarrassment.* In consequence of the disclosures, William Jones, president, and several others resigned their positions.† A new board of directors was chosen and Langdon Cheeves was appointed president. Under his management, matters began to assume a brighter aspect; the stock found its way into the hands of real capitalists and shortly rose in value to $120 per share. The most prudent measures in borrowing specie, arranging the relations of the branches, curtailing the discount, etc., were adopted, and not only was bankruptcy averted, but the bank, after a short season of uncertainty, began to recover its former stability and to regain the confidence of the mercantile world.

Meanwhile the State legislatures had been attempting to tax the branches of the United States Bank out of existence. North Carolina laid a tax of $5,000 a year on the branch at Fayetteville; Maryland laid a tax of $15,000 on the branch at Baltimore; Tennessee laid a tax of $50,000; Georgia levied a tax of 30¼ cents on every $100 of National bank stock operated upon or employed within the State; Illinois prohibited any but State banks within the State; Kentucky laid a tax of $60,000 in each of the two branches within the State; Ohio taxed each branch $50,000; Pennsylvania proposed a constitutional amendment which would confine National banks to the District of Columbia; and the matter was discussed in the legislatures of Virginia, New York and South Carolina.* In every case the tax was opposed, the most noted instances being the cases of McCulloch *vs.* the State of Maryland and of the Auditor and Treasurer of Ohio *vs.* the Branch Bank of Chillicothe.

In 1818 Maryland had imposed a tax on all banks and branches of banks conducting business within the State and holding charters which had not been granted by the State. In order that the tax might be easily collected, it was provided that such corporations as were subject to the law should issue notes of no other denominations than 5, 10, 20, 50, 100, 500 and 1,000 dollars, these notes to be printed on stamped paper provided by the treasurer of the Western Shore, though any foreign corporation so desiring could use stamped paper of its own selection by paying $15,000 annually in advance. This law went into effect on May 1, but the Baltimore branch of the Bank of the United States refused to pay the stipulated $15,000, and after the law went into effect,

* *American State Papers, Finance*, vol. iii., pp. 306–391; *Niles' Register*, vol. xv., pp. 402–413, 436–462, 465–475.

† *Niles' Register*, vol. xv., p. 417.

* M. S. Wildman, *Money Inflation in the United States*, pp. 107–108. See also R. C. H. Catterall. *The Second Bank*, pp. 63–64; *Niles' Register*, vol. xv., p. 385.

continued to print the bank notes on unstamped paper and to issue them over its counters. Some of these notes had been paid by the cashier, James W. McCulloch to George Williams in return for a promissory note which the bank had discounted. Thereupon John James, treasurer of the Western Shore, sued McCulloch in the Baltimore County Court. Judgment was given for the State, but McCulloch carried the case to the Maryland Court of Appeals. The latter confirmed the decision of the lower court, but the case was brought before the Supreme Court of the United States on a writ of error. The questions before the Court were: Has Congress the power to incorporate a bank? Has a bank so incorporated the right to open branches in the various States? And, have the States the right to tax such branches of a National bank as may be established in them? To the first two questions the Court made answer on March 6, 1819, in the affirmative, without a dissenting voice, and to the latter, that the States had no power to tax the branches of a National bank.* The only power the States possessed was to tax the real property of the branch located within the State, and then only in common with other real estate of the same description throughout the State.†

* See Wheaton, *Supreme Court Reports*, vol. iv., pp. 316–437; *Niles' Register*, vol. xvi., pp. 68–76.

† Marshall's *Writings*, pp. 160–187; Dewey, *Financial History*, pp. 157–159; Magruder, *Life of Marshall*, pp. 194–198; Thayer, *Life of Marshall*, pp. 85–87.

This decision was immediately defied by Ohio. In the spring of 1817 the Bank of the United States had opened a branch at Cincinnati, which act aroused much bad feeling in the State because all the profits to be derived from banking were coveted by the State institutions. When the legislature met in December of that year, a resolution was introduced calling for a report as to the expediency of taxing such branches as were in the State. The committee to whom this resolution was referred reported adversely. But the House rejected this report, and passed a resolution declaring the right of the State to tax such branch banks and the expediency of so doing. A bill imposing such a tax was thereupon introduced, but was laid over until December of 1818. Meanwhile, in the spring of 1818, the Bank of the United States opened another office at Chillicothe, which gave further offence. In February of 1819, therefore, Ohio passed the tax bill placing the amount to be paid by each branch at $50,000 a year.* The auditor of the State was required by this law to charge this amount against the branches on September 15 and to draw a warrant demanding such payment upon the various officers. Should payment be refused, the person to whom such a warrant was given was empowered to levy on any specie, bank notes, goods or chattels he might find in the room, and

* Dewey, *Financial History*, p. 159.

in case the amount thus levied upon was less that the tax, he was empowered to seize whatever he might find in the vault and other chambers of the bank. If the property were still insufficient to satisfy, such agent had the power to summon the bank officers to court, where they should be compelled to account for the bank property. A few days after the passage of this law the Supreme Court decision in the case of McCulloch *vs.* Maryland was handed down. Nevertheless, as the law was mandatory, the Ohio auditor (Ralph Osborne) obeyed its commands. On September 11 the bank officials appeared before the Circuit Court of the United States at Chillicothe and obtained a subpoena in chancery restraining Osborne from collecting the tax; but instead of taking a copy of the order and a writ of injunction, the bank counsel sent a copy of the bill with a subpoena to answer. On September 15 these were served on the auditor, who, not considering that they constituted an injunction, issued a warrant for the collection of the tax, delivering it to John L. Harper and Thomas Orr for execution. On September 17, when the branch bank at Chillicothe was about to close for the day, Harper and Orr demanded the tax from the bank officials, and when the money was refused, entered the vault, seized all the specie and bank notes on hand (to the amount of $100,000), loaded them on a wagon outside, and carried them to the Bank of Chillicothe.* The next day the bank officials secured a writ from the court restraining Osborne and Harper from paying over the money or making a report of its collection to the Legislature. Defying the writ, however, Harper and Orr paid over the cash to the State treasurer, and on October 18 were arrested,† but were released on a technicality when the trial came up in January of 1820.‡ The Bank of the United States then demanded that the money be returned, and when this was refused, a second bill of chancery was filed against the auditor, the treasurer, the Bank of Chillicothe, the Franklin Bank at Columbus, to which the money had been transferred, and others, but this suit was dismissed. Osborne and Harper were then compelled to show cause why a judgment should not be issued against them for contempt of court. Early in 1820 the case was brought up for trial, but was continued until September 9, when an attachment was issued returnable on the first day of the January term of the court in 1821.‖

In December of 1820 the Ohio legislature met, and the auditor's report concerning his proceedings was immediately sent to a special committee, which in its report recommended that the State defy the decision of the Su-

* *Niles' Register*, vol. xvii., pp. 85–86.

† *Ibid*, pp. 227, 294, 337–338.

‡ *Ibid*, pp. 449–450.

‖ McMaster, vol. iv., pp. 498–500. For the text of the opinion of the United States Circuit Court, see *Niles' Register*, vol. xix., pp. 82–84.

preme Court and, to make a test, advised that the legislature declare the Bank of the United States and its branches "outcasts beyond the pale of the law."* This was approved by the legislature, and an act was passed withdrawing from the bank the protection of the State laws in certain cases.† Should the bank stop its suits against the State officers; should it submit to a 4 per cent. tax on its dividends, or leave the State — the the governor was empowered to suspend the law by proclamation. But the bank did none of these things. The law went into effect in September of 1821, and the Bank of the United States was a practical outlaw in Ohio.‡ Finally the circuit court decided that Osborne should pay back not only the money he had seized, but also interest on so much of it as consisted of specie.|| Osborne appealed to the Supreme Court, but in 1824 that tribunal, in the case of Osborne *et al. vs.* the President, Directors, and Company of the Bank of the United States, affirmed the decision of the lower court, save that the payment of the interest was not required.§

The General Assembly next adopted a set of resolutions declaring that the doctrines contained in the Kentucky and Virginia Resolutions of 1798 and 1800 with respect to the powers of the general Government and the powers of the several States were sound and true; that the action taken by the circuit court violated the Eleventh amendment to the Constitution; that the States possessed the right to tax the business and property of any private corporation chartered by Congress and doing business in any State; and protesting against the doctrine that the Supreme Court could settle the political rights of the separate States and their powers as sovereign States in cases between individuals and in which any State was a party direct.*

Kentucky also reluctantly and tardily acquiesced in an adverse decision of the Supreme Court. Conditions in that State were quite as bad as in Pennsylvania or Ohio. During the period of inflation east of the Alleghanies (1812–1818) the Western States were free from financial disturbance. The inflation system was inaugurated in Kentucky during the session of 1817–1818, when the legislature chartered 40 banks, which were to issue notes redeemable in notes of the Bank of Kentucky, founded in 1809 with a capital of $1,000,000, of which the State owned a part. The State was then swept by a mania for banks as a means for making the poor rich, and clamorous demands were made for a share of the blessings ex-

* For the complete report see *American State Papers, Miscellaneous*, vol. ii., pp. 643–654.

† See *Niles' Register*, vol. xix., p. 400; Ames, *State Documents on Federal Relations*, vol. iii., p. 5.

‡ See McMaster in *The Forum* for April, 1895.

|| *Niles' Register*, vol. xxi., pp. 75–76.

§ Wheaton, *Supreme Court Reports*, vol. ix., p. 738.

* McMaster, vol. iv., pp. 502–504.

pected from the Bank of the United States. Accordingly two branches were established, one at Louisville and one at Lexington. Prices began to rise, specie was exported, and contracts were entered into, in the expectation of a wave of prosperity. Everyone hastened to get into debt in the expectation of getting rich thereby and as the only way of staving off impending ruin. When the banks began to contract their discounts and currency began to be reduced, the people were not able to meet their obligations; and, as the branches of the Bank of the United States were held to be responsible for the stoppage of loans and the contraction of the currency, the wrath of the people and the legislature was turned against them. The State banks had overissued their notes, which accumulated in the branch banks, and when their notes were presented for redemption the local banks construed such action as oppression, warding off responsibility from themselves by representing that they were victims of an alien monster which crushed them while they were endeavoring to confer blessings on the people about them. Accordingly, during the session of 1818–1819, the legislature enacted a law imposing a monthly tax of $5,000 on each branch, but in February, before the first instalment became due, the United States district attorney applied for an injunction to stop the collection on the ground that Kentucky had violated the act of Congress incorporating a bank and that the act in question imposed pains and penalties instead of laying a tax. As it was the evident purpose to drive the bank from the State, the court refused to consider the constitutionality of the law and granted a temporary injunction against the collection of the tax, though the bank was required to give bonds to the amount of $40,000 not to take its funds out of the State until the matter was decided. This injunction was to hold until the following May, when the circuit court would be in session.

Meanwhile the inhabitants of Franklin County gathered at Frankfort and passed a number of resolutions suggesting remedies for the desperate condition of affairs in their vicinity. After stating their opinions as to the causes of the general embarrassment in the commercial world, they said it was the duty of the banks to suspend specie payment, to stop their calls for the redeeming of debts, and to issue more paper on good security. The legislature should meet and prescribe the amount of paper each bank might issue and the nature of the securities which individuals should give.* A few days after this meeting, attorneys from the Bank of Kentucky, the Farmers' and Mechanics' Bank, the Commercial Bank, and the two branches of the Bank of the

* See the resolutions in *Niles' Register*, vol. xvi., sup., pp. 16–17.

United States met at Frankfort to suggest remedies for the desperate state of the finances. It was agreed at this meeting that the institutions represented would not suspend specie payments, and that they would render to individuals all the aid in their power by loans on good security. The other banks of the State were not in position to make such promises, and before December 1, 1819, 17 of the State institutions had suspended specie payments, and by so doing forfeited their charters.*

Great excitement then prevailed, for the debts due these banks exceeded $10,000,000.† In 1817 the circulation of the Bank of Kentucky was $417,000. In that year the State banks and the two National bank branches went into operation, and the Bank of Kentucky could not sustain its circulation. It imported $240,000 in silver and by November of 1818 had reduced its circulation to $195,000. During 1818 and 1819 it fell heavily in debt to the National bank branches and in November of the latter year the branches ordered the debt to be collected. Many meetings of the people were held at which intense indignation was expressed at the action of the branch banks and at which the favorite remedy suggested was the suspension of specie payment.* Finally, on May 4, 1820, the stockholders of the Bank of Kentucky suspended payment, hoping that the legislature would sanction their action because of the many opinions expressed by the public in favor of it.†

Meanwhile the tax laid by the legislature on the branch banks remained unpaid, and when that body met in December, Governor Gabriel Slaughter recommended that it regulate the conduct of the branch banks in collecting and cashing the bills of the State bank and its branches, which, he said, had hindered the freedom of banking required by the commercial condition of the State. The legislature therefore instructed its Senators and Representatives to use their utmost endeavors to have the branch banks removed from Kentucky, and repealed the act of 1818 which chartered the independent banks.‡ A law was also passed over a veto on December 15, 1819, to help the debtor class, suspending all sales under executions, decrees and replevins for 60 days after the act became law, provided bonds were given by the defendant that the goods levied

* McMaster, vol. iv., pp. 506–507.

† "The whole State is in considerable commotion. The gross amount of debts due the banks is estimated at ten millions of dollars. * * * Several county meetings have been held. There purpose is: (1) a suspension of specie payments; (2) more paper money; (3) an extra meeting of the Legislature to pass some laws on the emergency. What did we tell the people of Kentucky when they littered their banks?"—*Niles' Register*, vol. xvi., p. 261.

* *Niles' Register*, vol. xvi., p. 434, also sup., pp. 17–18.

† Sumner, *Life of Jackson*, pp. 122–123; McMaster, vol. iv., p. 507.

‡ *Niles' Register*, vol. xviii., p. 296.

upon would be produced at the end of that time.* The legislature gave permission also for the introduction of a bill declaring void such sales as were made under any execution issued in favor of the Bank of the United States or its branches, and also passed a replevin just before the 60 day stay-law expired. It was therefore possible when a court or justice of the peace issued an execution on any bond, judgment or decree, for the plaintiff to write on the bill the words, "Notes on the Bank of Kentucky or its branches will be accepted in discharge of this execution." If this endorsement were made, the defendant could replevy for one year only; but if the defendant should fail to replevy, the property might be sold on credit for one year for what it would bring. In case the plaintiff should refuse to make the endorsement, the defendant might replevy for two years. So iniquitous did this law appear that the right of the State to pass it was brought before the United States circuit court at Frankfort, but that tribunal decided that the State had a right to pass a replevin law and affirmed the constitutionality of the provision requiring an indorsement that Kentucky paper would be taken. The court declared, however, that that part of the bill permitting the sale of property seized under execution on credit was unconstitutional and void.*

On November 29, 1820, as a further relief for the debtors, the Bank of the Commonwealth of Kentucky was established. It had no stockholders; its officers and directors were elected annually by the legislature, and their salaries were paid by the State.† The bank was authorized to issue notes for $3,000,000 in loans on mortgage security, and the notes were apportioned among the counties according to the taxable property in each in 1820. Loans were to be made for the purpose of paying "just debts" or to purchase the products of the county for exportation. The profits of the banks were to go to the State; its notes were legal tender to and from the State; and its funds were to consist in part of all money thereafter paid in for land warrants, or land west of the Tennessee River; in part of the produce of the stock in the defunct Bank of Kentucky owned by the State after the affairs of that institution were wound up, and, finally, of the unexpended balances in the treasury at the end of the year. Hence the bank was little more than the State treasury incorporated and put into the hands of a commission elected by the legislature. That body appropriated $7,000 to buy books, paper and plates for printing the notes, and this was all the actual cap-

* Sumner, *Life of Jackson*, p. 124.

* McMaster, vol. iv., pp. 508–509.

† M. S. Wildman, *Money Inflation in the United States*, p. 94.

ital the bank ever had. In reality, therefore, it was just one of those grand swindling concerns common to that period.* One person writes that, as a result, the Bank of the Commonwealth "has nearly destroyed all commerce and trade, extinguished personal credit, and broken down confidence between man and man, as well as damped and depressed the industry of the State; but the people are beginning to get tired of its blessings, and its paper will soon cease working, leaving a debt, however, due to it from the poorest of the people to the amount of two and a half or three millions of dollars."†

In 1823 the notes of the bank began to be withdrawn and burned. In the same year the Kentucky court of appeals declared the relief laws unconstitutional, but in the following year the legislature confirmed their constitutionality and furthermore repealed the legislative act by which the State judiciary was organized and the court of appeals created, then appointing a new court of appeals with William T. Barry as chief justice. This action divided the State into "Old Court" and "New Court" parties, each striving for supremacy. In his message of November 7, 1825, Governor Desha denounced all banks, but especially the Bank of the United States. He said that the latter had been taken under the protection of the Federal Supreme Court and by means of this alliance had overthrown the sovereignty of Kentucky. He complained against the court of appeals for deferring to the decision of the Supreme Court, declaring the State tax on the Bank unconstitutional, but congratulated the State that the complaint judiciary had been removed. He defended the relief system and denounced the Federal courts for not recognizing the State relief laws in regard to writs issued by themselves. He evidently regarded the State as robbed of self-government by this intrusion of foreign courts, which brought with them an independent code of procedure.* He suggested that both the old and new courts of appeals be abolished.

In 1826 the State election was carried by the "Old Court" party, whereupon the legislature repealed the replevin laws and treated the acts of the "New Court" as null and void. The latter then seized the records and held them by military force, and civil war was averted only by the moderation of the "Old Court" party. On December 30, 1826, the legislature passed an act over the governor's veto repealing the law constituting the "New Court" and during 1828–29 the court was constituted as a single anti-relief body. In 1828 the State was still divided into relief and anti-relief parties, the former favoring Jackson and the latter

* Sumner, *Life of Jackson*, pp. 124–125.

† *Niles' Register*, vol. xxiii., p. 96.

* *Niles' Register*, vol. xxix., p. 219.

Adams. At this time, however, the ideas of the relief party had changed somewhat, the relief men being in favor of State rights, of a strict construction of the Constitution and of limiting the supposed encroachments of the Federal power, especially the judiciary. In this year the anti-relief candidate for the governorship was elected, but the State was carried for Jackson.*

In Missouri conditions were as bad as — if not worse than — in Kentucky, for there also had occurred wild speculation in land and reckless issuing and borrowing of bank paper. The demand for a better currency had resulted in 1817 in the charter of the Bank of St. Louis and the Bank of Missouri, and an era of paper money began. The beginning of steamboat traffic on the river opened new possibilities of trade and commerce. Settlers were rushing into the State by thousands; money was easy to get; and the old settlers engaged in land speculation, selling their lands to newcomers, buying again, borrowing the money to buy more land, and selling again to other newcomers. More goods was now imported by the merchants than ever before; more land was planted by the farmers; and land speculators purchased property, laid it out, and sold it on credit to all who would purchase. The day of reckoning soon came, however. The banks suspended and, specie having been driven out by the issue of paper money, no circulating medium existed. Consequently taxes remained unpaid; debts were not settled; and land, labor, and produce were drugs on the market. At this time Missouri became a State, and, as its laws were no longer subject to revision by Congress, speedy relief was afforded by the legislature, which passed stay laws and created a paper money. Though forbidden by the Federal Constitution, the State issued bills of credit to the amount of $200,000 in sums of 50 cents to $10. Although the Federal Constitution forbids the States to make anything but gold and silver legal tender, Missouri made her bills of credit receivable for taxes and debts of every description due to the State for salaries and fees of all the officers and for salt sold by the lessees of the Salt Springs.*

In 1816 Georgia had passed a law providing that any bank refusing to pay its notes in specie on demand should pay interest on the default at the rate of 25 per cent. per annum. When the branch of the Bank of the United States was established, it received the notes of the Georgia banks at par. In 1820 the Bank demanded that these notes be redeemed, but the Georgia banks refused to do so, though they pretended to be solvent; they refused, moreover, to pay interest on the unliquidated claim. In

* Sumner, *Life of Jackson*, pp. 134–135.

* McMaster, vol. iv., pp. 509–510.

May of 1821, the Georgia banks induced the legislature to repeal the interest requirement because it was only "in the interest of brokers and lottery ticket sellers." This left the banks liable to pay only the legal rate of interest on deferred claims — 8 per cent. Still dissatisfied, they induced the legislature to appoint a committee to report on the incendiary action of the United States Bank. The committee reported in November of 1821 that the Bank of the United States had intruded upon the State of Georgia without her consent and thereby interfered with her sovereignty as an independent State. They said that by accumulating State bank notes the Bank had deprived the State of a circulating mediuum and recommended that the rate of interest between the United States Bank and the State banks be made so low that in the future the banks could not accumulate each other's notes, and that while the State banks should continue to pay individuals in specie, "they shall refuse, whenever they think it prudent to do so, to pay specie for their bills to the United States Bank or its officers or agents, upon giving 60 days' previous notice of such intention." Accordingly the legislature fixed the rate of interest at zero and on December 24, 1821, passed an act which provided:

"Section 4. That if the Bank of the United States, or either of the branches of said bank, shall, after the first day of January next, collect, acquire, purchase, or receive on deposit the bills or notes of either of the banks incorporated by the State of Georgia, which have been or may hereafter be issued by the banks aforesaid, and shall demand specie for the same, the bills or notes, so collected * * * shall not bear interest on account of any refusal by either of the banks incorporated in this State to redeem the same in specie.

"Section 5. Nothing in this act shall be so construed as to deprive individuals who may demand specie for themselves for the notes or bills of either of the banks incorporated by the General Assembly of this State, from the same privileges and advantages in obtaining specie or interest as now exist by the Laws of this State."

Thereupon the Bank of the United States sold its Georgia bank notes at auction on the Savannah Exchange. In 1824, however, the act was repealed.*

While the States were thus endeavoring to restore good times, petition after petition was being sent to Congress to enact such laws as would completely protect the industries of the country. The "Friends of National Industry," in a petition to Congress on December 20, 1819, after reviewing the condition of the country, suggested that Congress abolish credit on import duties, increase the duties on imported goods, and lay a restrictive tax on sales at auction.† The "American Society of the City of New York for the Encouragement of Domestic Manufactures," in a memorial presented December 27, 1819, suggested, in order to restrain

* White, *Money and Banking*, pp. 285–287. See also William M. Gouge, *A Short History of Paper Money and Banking in the United States* (New York, 1835).

† *American State Papers, Finance*, vol. iii., pp. 440–443; *Annals of Congress*, 16th Congress, 1st session, pp. 2286–2293; Bishop, *History of Manufactures*, vol. ii., p. 256.

the influx of foreign products, that the tariff be increased, that auction sales of imported goods be taxed, and that the credit given on bonds at the custom house be abolished.* The New York Chamber of Commerce opposed these views, saying that the 10 per cent. duty on sales at auction was prohibitive and would tend to stop such sales altogether; that to stop the credit system would overthrow a system which had been in successful operation for 30 years, would withdraw money from commerce, industry and agriculture, and that the change would inflict untold injury on the commerce of the country.† Other protests against an increase in duties were received from the Virginia Agricultural Society of Fredericksburg,‡ the United Agricultural Society of Virginia,‖ the merchants of Salem, Massachusetts, and other places.§ From the book manufacturers of Philadelphia,¶ the Society of Paper Makers of Pennsylvania and Delaware,* the manufacturers, dealers in and consumers of paper of Baltimore,† the rum makers of Boston,‡ and from various other organizations in the country came petitions seeking protection.‖ The Philadelphia Chamber of Commerce remonstrated against high duties on the wines and liquors of Portugal and Spain, charging that the existing duties had resulted in the closing of the ports of those countries to corn and flour.§

Hardly had the House settled down to business in December of 1819 when the tariff question was brought up, and though the session was productive of no legislation, it witnessed a momentous development of the tariff controversy. The House was strongly favorable to protection, and one of its first measures was to create separate committees on commerce and manufactures. Clay made up the Committee on Manufactures of members friendly to the protective policy, with Henry Baldwin, of Pennsylvania, as chairman; and from them, on March 22, 1820, came a new tariff bill.¶ In his annual report, the Secretary of the Treasury had indicated that there

* *American State Papers, Finance,* vol. iii., pp. 443–444; *Annals,* pp. 2293–2296.

† *American State Papers, Finance,* vol. iii., pp. 451–452.

‡ *Ibid,* pp. 447–448; *Niles' Register,* vol. xvii., pp. 354–355; *Annals,* pp. 2296–2299.

‖ *American State Papers, Finance,* pp. 458–465; *Annals,* pp. 2323–2327; the memorial of the Pennsylvania Society for the Encouragement of American Manufactures, the purpose of which was to refute the arguments in the Virginia memorials, is in *American State Papers, Finance,* pp. 526–530; *Annals,* pp. 2411–2423.

§ Bishop, *History of Manufactures,* vol. ii., p. 257; *American State Papers, Finance,* vol. iii., pp. 463–468, 533–538; *Annals,* pp. 2307–2323, 2335–2347.

¶ *American State Papers, Finance,* pp. 462–463; *Annals,* pp. 2333–2335.

* *American State Papers, Finance,* pp. 460–462; *Annals,* pp. 2327–2334.

† *Niles' Register,* vol. xvii., p. 331.

‡ *Annals,* pp. 2410–2411.

‖ Bishop, *History of Manufactures,* vol. ii., pp. 257–258.

§ *Annals,* pp. 2424–2439.

¶ *Annals of Congress,* 16th Congress, 1st session, pp. 1663–1669; *Niles' Register,* vol. xviii., pp. 133–136.

would be a deficit of more than $1,000,000 in the current year and foreshadowed a deficit of $5,000,000 in 1820, unless the Government were rigidly economical in its expenditures or the revenues were increased.* The Committee on Manufactures, therefore, after refuting bills requiring cash payment of duties† and to lay a tax on sales by auction, introduced a bill providing for a complete revision of the tariff. The revision consisted chiefly in changing *ad valorem* duties from 7½ and 15 per cent. to 12½ and 20 per cent.; in raising 20 per cent. duties to 25 per cent.; in increasing the duty on silks from India to 50 per cent. and on woolens and cottons 8 per cent. (from 25 to 33 per cent.); in raising the duty on ready-made clothing, hats, caps, and bonnets from 30 to 40 per cent.; on forged iron bars, from 75 cents to $1.25 per hundred weight; on hemp, from $1.50 to $2.50 per hundred weight; and in adjusting other rates so as to give fair protection to manufactures in general.‡ The committee frankly stated that the purpose of the bill was to raise additional revenue by means of increased duties on sugar, coffee, molasses, and salt, and to afford protection by means of a general increase in the rates on manufactured articles.

The bill came before the Committee of the Whole on April 21, and Baldwin opened the debate with a long speech explaining the course of the committee in determining its increases, etc. He said that the committee had not considered the various petitions presented to them in determining whether or not the manufacturers of the country were losing money.* He said, further, that the exacting revenue system had failed from plain and natural causes:

> "The nation which relies for the means of paying its expenses solely on imports, must encourage the importation and not the manufacture of its articles of consumption. Whilst this is its policy, its internal industry must be confined to articles of export to pay for foreign fabrics which are imported. With importations revenue must diminish;† and this has been the reason why all attempts to promote our own manufactures have hitherto failed. Now the system must be changed; you must either make perpetual loans or open new sources of revenue by giving a new turn to the labor of the nation."

After Baldwin had finished his detailed explanation of the proposed measure,‡ Smith, of Maryland, of-

* Dewey, *Financial History*, p. 166. For the text of the report see *American State Papers, Finance*, vol. iii., pp. 423–436. See also the report of April 14, 1820, in *ibid*, pp. 522–525.

† For Baldwin's speech on "Prompt Payment of Certain Duties," see *Niles' Register*, vol. xviii., pp. 299–307.

‡ Stanwood, *Tariff Controversies*, vol. i., p. 181; McMaster, vol. iv., p. 514. See also the comparative tables in *Niles' Register*, vol. xviii., pp. 164–165; *Annals of Congress*, 16th Congress, 1st session, pp. 1913–1915; Benton, *Abridgment*, vol. vi., pp. 602–603.

* The speech is in *Annals of Congress*, 16th Congress, 1st session, pp. 1916–1946; *Niles' Register*, vol. xviii., pp. 241–254; Benton, *Abridgment*, vol. vi., pp. 603–616.

† Evidently he means that when importations diminish, the revenues will decrease in proportion.

‡ A brief resumé of the speech is in Stanwood, *Tariff Controversies*, vol. i., pp. 182–184.

fered a hostile amendment reducing the duty on certain articles from 12½ to 7½ per cent.,* but Clay significantly hinted that the House would do well to disregard the various amendments; otherwise the effect would be to lose the whole.† This hint was taken and, one after another, the various amendments offered by the opponents of the measures were voted down by the protectionists. Moreover, the protectionists succeeded in adding one or two more protective clauses and were defeated in only one case — that relating to books, the duty on which was reduced from 25 to 20 per cent. by a vote of 69 to 53.‡

Tyler, of Virginia, then made a long speech against the bill. He said that the proposed measure would not secure the permanent interests of the manufacturers; that the result of encouraging manufactures, following the increases of investment of capital in such industries, would be an excess of production far beyond the capacity of the country to consume; that the value of land, the capital of the farmer would be diminished and he would be shut out from foreign markets; that while ignoring the farmer and holding out a futile hope of a home market, the people would be burdened with a weight of taxation; that there was no necessity to resort to artificial means to hasten our growth; and that an agricultural nation was much more independent than a manufacturing nation, since if the ports of the latter were closed, a great portion of the population was thrown out of employment and reduced to beggary, while other nations were in a great measure dependent upon an agricultural nation, since they must have food but could dispense with silks and gewgaws.* Tyler's motion was rejected, however, by a majority of 25 (73 to 48).† Speeches in opposition to the bill were made by Ezekiel Whitman, of Massachusetts (District of Maine), William S. Archer and Barbour, of Virginia, and Lowndes; and in favor by Henry R. Storrs, of New York, Samuel Gross, of Pennsylvania, and Clay.‡ The bill came to a vote on April 28 and, after the salt duty had been reduced from 25 to 20 cents per bushel by a vote of 93 to 71,‖ the House, on April 29, passed the bill by a vote of 91 to 78.§ The Senate made short work of the bill. It was referred to the Committee on Commerce and Manufactures, reported back by them

* *Annals*, p. 1946; *Niles' Register*, vol. xviii., p. 166.

† *Annals*, p. 1946; *Niles' Register*, vol. xviii., p. 166.

‡ *Annals*, pp. 1949–1950; Stanwood, *Tariff Controversies*, vol. i., pp. 184–185.

* *Annals*, pp. 1952–1963; Benton, *Abridgment*, pp. 616–618; Stanwood, *Tariff Controversies*, vol. i., pp. 185–188.

† *Annals*, p. 1968.

‡ Stanwood, *Tariff Controversies*, vol. i., pp. 188–192. The speeches are in *Annals*, pp. 1963–2136. Lowndes' speech is given also in *Niles' Register*, vol. xviii., pp. 259–267.

‖ *Annals*, p. 2138.

§ *Annals*, p. 2155. *Niles' Register* (vol. xviii., pp. 169, 178–179) gives the vote as 90 to 69 on the third reading and 91 to 78 on final passage (p. 181).

on May 3, and on the 4th, by a vote of 22 to 21, was postponed until the next session.* Meanwhile, on May 1, the bill requiring the cash payment of duties had been rejected by the House by a vote of 91 to 55.† A third measuse, however, met a better fate in the House. This was to lay a heavy tax on auction sales, the proposition being to tax the sale of American goods 1 per cent., foreign goods of the varieties protected by import duties 10 per cent.; and uncompeting foreign goods 5 per cent. This measure was defeated at first,‡ but upon reconsideration a duty of 5 per cent. on sales of competing goods was laid and on May 3 the bill was ordered to a third reading by a vote of 93 to 58,‖ then passed by a vote of 89 to 61.§ In the Senate, however, it was postponed until the next session, which was equal to a rejection.¶

This debate on the tariff occurred on the eve of the Presidential and Congressional elections, but the tariff does not seem to have had any influence whatever on the election. The election of 1820 was probably one of the most remarkable in our history. The Federal party at that time was almost extinct, and no candidates for President and Vice-President were nominated. A caucus had been held by the Republicans, and Monroe and Daniel D. Tompkins were renominated without opposition. While the tariff was not an issue in the campaign, still one of Monroe's acts had aroused considerable opposition; for, in spite of petitions and remonstrances from public meetings, civic organizations, State legislatures, etc., he had signed a bill which drew the line 36 degrees 30 minutes and established slavery beyond the Mississippi.* The opposition was probably strongest in Pennsylvania, where there was much anti-slavery sentiment. A meeting was held at Philadelphia to nominate electors of President and Vice-President in opposition to Monroe, adopting the extinction of slavery as its platform. DeWitt Clinton was nominated by the anti-slavery Republicans, but in the election which followed Monroe received the electoral vote of every State in the Union. When the day came for the electors to cast their votes in the various States, however, one of the New Hampshire electors

* *Annals*, pp. 656–672; *Niles' Register*, vol. xviii., p. 183.

† *Annals*, pp. 2159–2171; *Niles' Register*, vol. xviii., p. 182.

‡ *Annals*, pp. 2173–2179; *Niles' Register*, vol. xviii., pp. 182–183.

‖ *Annals*, pp. 2181–2183; *Niles' Register*, vol. xviii., p. 183. For Baldwin's speech see *ibid*, pp. 418–423.

§ McMaster, vol. iv., p. 515; Stanwood, *Tariff Controversies*, vol. i., pp. 170, 192–193; Taussig, *Tariff History*, p. 70 *et seq.*; O. L. Elliott, *The Tariff Controversy*, p. 210 *et seq.*

¶ *Annals*, pp. 2184–2185; *Niles' Register*, vol. xviii., p. 183.

* St. George Tucker cried: "I trust in God, if the President does sign a bill to that effect, the Southern people will be able to find some man who has not committed himself to our foes; for such are, depend on it, the Northern politicians."—*William and Mary College Quarterly*, vol. x., pp. 11, 15.

voted for John Quincy Adams.* Tompkins for Vice-President received 218 votes, as against 8 from Massachusetts for Richard Stockton, of New Jersey, 4 from Delaware for Daniel Rodney, of that State, 1 from Maryland for R. G. Harper, of that State, and 1 from New Hampshire for Richard Rush, of Pennsylvania. The elector who cast the single vote against Monroe declared that it was due to Washington's memory that no other President should share with him the honor of a unanimous election.†

Meanwhile, during the summer and fall of 1820, there had been much anti-tariff agitation, meetings being held, resolutions passed, remonstrances drawn up, and memorials sent around for signatures.‡ Probably the most important of these was the anti-tariff meeting held at Faneuil Hall, Boston, on October 3, 1820, because it was addressed by Daniel Webster, whose views on the subject later underwent a change. In this speech he brought up the constitutional question. The report says:

"He certainly thought it might be doubted whether Congress would not be acting somewhat against the spirit and intention of the Constitution in exercising a power to control essentially the pursuits and occupations of individuals in their private concerns — a power to force great and sudden changes both of occupation and property upon individuals, not as incidental to any other power, but as a substantial and direct power."

He is reported to have said also:

"It could hardly be contended that Congress possessed that sort of general power by which it might declare that particular occupations should be pursued in society and that others should not. If such power belonged to any government in this country, it certainly did not belong to the general government." *

Webster did not deny that Congress had the right to encourage certain occupations as an incident of the power to raise revenue, but denied that the incidental object might supersede the object for which the power was granted, that being of greater importance.†

When the second session of the Sixteenth Congress met on November 13, 1820, petitions immediately began to pour in, consisting of remonstrances from the agricultural districts and planters of the South and the Northern shipping interests, which claimed that the manufacturer had sufficient protection, that it was high time to consider the farmer and shipper, and that a raise of the tariff would seriously injure commerce.‡ The remonstrances submitted to Congress were sorted, those from the

* Schouler, *United States*, vol. iii., p. 199.

† Adams, *Lives of Madison and Monroe*, pp. 340–341; Stanwood, *History of Presidential Elections*, pp. 70–72; Schouler, *United States*, vol. ii., p. 537.

‡ Bishop, *History of Manufactures*, vol. ii., pp. 266–267. See also Jervey, *Robert Y. Hayne*, pp. 106–111; *Niles' Register*, vol. xviii., pp. 433–436.

* See Lodge, *Life of Daniel Webster*, p. 160. See also Curtis, *Life of Webster*, vol. i., pp. 207–208.

† Stanwood, *Tariff Controversies*, vol. i., pp. 196–197.

‡ *American State Papers, Finance*, vol. iii., pp. 540–546, 563–567, 577–579, 583–586. See also *Niles' Register*, vol. xix., pp. 5–7; *Annals of Congress*, 16th Congress, 2d session, pp. 466–469, 673–678, 1490–1533.

agricultural districts being sent to the Committee on Agriculture, composed chiefly of anti-tariff men, while those from chambers of commerce, auctioneers, etc., were sent to the Committee on Manufactures, which had reported the Baldwin bill during the last session. Each committee presented a report, one against and the other for a new tariff, one pleading for the manufacturer and the other for the farmer. In their report (on January 15, 1821) the Committee on Manufactures said:

"It is not a matter of very great consolation to the committee to know that at the end of the thirty years of its operation, this Government finds its debt increased $20,000,000 and its revenue inadequate to its expenditure; the national domain impaired, and $20,000,000 of its proceeds expended; $35,000,000 drawn from the people by internal taxation, $341,000,000 by impost, yet the public treasury dependent on loans; in profound peace and without any national calamity, the country embarrassed with debts and real estate under rapid depreciation; the markets of agriculture, the pursuits of manufactures, diminished and declining; commerce struggling, not to retain the carrying [trade] of other lands, but our own. There is no national interest which is in a healthful, thriving condition. * * * Why are these things so? The sea, the forest, the earth yield their abundance; the labor of man is rewarded; pestilence, famine or war commit no ravages; no calamity has visited the people; peace smiles on us; plenty blesses the land. Whence, then, this burst of universal distress? * * * History affords no other example of a people impoverished while in the full fruition of health, peace and plenty; * * * elsewhere an overflowing treasury indicates national prosperity; with us, two years of the greatest revenue have been selected as the epoch which has consummated our embarrassments. There are sources of taxation which will supply the public wants from the people's surplus; those sources are traced in every country but this. Our revenue system is founded on the markets and the consumption of the people, and both are dependant on foreign power and interest. * * *

"If foreign systems have produced these lamentable consequences, it cannot be necessary to enforce the necessity of their counteraction; if a domestic system, or the want of one, has led us to our present state, its abolition, or the adoption of a new one, is a solemn duty due to our constituents. * * * The expenses of this Government increase with the population of the country; yet while expenditure is on the advance revenue is on the decline. Ours is the last Government in the whole community of nations which is willing that the markets for the production, the establishments for fabrication, should be in a foreign country, under the influence of foreign Powers; we give efficient protection only to the means of distributing our wants. We seem not to follow the experience of ages. * * *

"The estimate of the Treasury Department is, that, in three years, the currency of the country was contracted $65,000,000 [from $110,000,000 to $45,000,000]. This diminution of the currency is not owing to its distinction, but to the want of use and employment. * * * Business, then, has fallen off 59 per cent. [and] embarrassment and distress have increased in the same ratio. * * * It is not the business of importation of foreign goods, for it was never so great. * * * It is not the business of remittance [for that] still continues in full activity, requiring not only money, but bank stock, public stock, book debts, notes, bonds, judgments, and bankruptcies to pay the balance against us. Foreign systems, with unresisted, unchecked sway, have attained the command of our consumption; [they] deny the use of our products, monopolize the profits of converting rough materials into manufactures, and would have acquired the profits of their distribution had this Government 'let it alone.' Foreign agriculture supplies the materials, and foreign industry the labor which produces to the American people their clothing, their utensils, and means of defence against foreign aggression."*

The committee urged the adoption of the protective principles, and then went on to answer the objections to such a system. The report of the Committee on Agriculture was pre-

* *American State Papers, Finance,* vol. iii., pp. 594–645; *Annals of Congress,* 16th Congress, 2d session, pp. 1553–1653.

sented on February 2, 1821, in which everything that the Committee on Manufactures had condemned was supported. The report closed with a resolution that the increases proposed by the Committee on Manufactures were incompatible with the interest of agriculture and of the community generally, and ought not to be adopted.* In the end their wish was realized, for on March 3, 1821, Congress expired without having taken any action on the tariff.†

In December of 1821, when the Seventeenth Congress met, the subject was again taken under consideration. Clay was no longer Speaker and in his stead was Philip P. Barbour, of Virginia, who was opposed to protection and had made one of the important speeches against the tariff bill of 1820. Though Baldwin was still its chairman, the Committee on Manufactures was against further legislation, and Baldwin was forced to report that a majority of the committee had instructed him to say that legislation on the tariff at the present time was inexpedient. Nevertheles Baldwin brought forward a series of resolutions favoring an increase of duties, but though he moved several times that these resolutions be considered, nothing was done.* At the next session (1822–1823) John Tod, of Pennsylvania, chairman of the Committee on Manufactures, succeeded in getting a bill "for the more effectual encouragement and protection of certain domestic manufactures" before the Committee of the Whole,† but when he moved that the bill be brought directly before the House, the motion was defeated. Though he tried to have the debate on the bill resumed, the House refused to follow his lead and the measure was soon forgotten.‡

* *American State Papers, Finance*, vol. iii., pp. 650–660; *Annals of Congress*, pp. 1653–1681.

† McMaster, vol. iv., p. 521; Taussig, *Tariff History*, p. 74.

* *Annals of Congress*, 17th Congress, 1st session, pp. 645–647; Bishop, *History of Manufactures*, vol. ii., p. 273.

† For text see *Annals of Congress*, 17th Congress, 2d session, pp. 544–547; *Niles' Register*, vol. xxiii., pp. 316–317. See also pp. 363–364.

‡ Stanwood, *Tariff Controversies*, vol. i., pp. 197–198; *Annals*, pp. 726–733, 739–792, 812–824, 890–906, 910–958, 964–1013; O. L. Elliott, *The Tariff Controversy*, p. 231; Bishop, vol, vol. ii., pp. 279–281.

CHAPTER XXXII.

1819–1821.

THE MISSOURI COMPROMISE.

The settlement of Missouri — Her petitions for admission to the Union — Attempt of Congress to prohibit slavery — The struggle over slavery in Arkansas — Public sentiment respecting slavery — Early attempts of Maine to separate from Massachusetts — Her formation of a constitution and application for admission — Debate over the admission of Maine and Missouri — Speeches of Pinkney and King and the debate on the Thomas amendment — Final passage of the bill — Obnoxious clauses in the Missouri constitution — Clay's compromise — Struggle over the electoral vote — The final compromise and termination of the dispute.

On March 26, 1804, Congress divided the newly purchased Louisiana into two parts, with the 33d degree of north latitude as the dividing line. The territory south of this line was named the Territory of Orleans, and that north of it was called the District of Louisiana. As we have seen, the territory of Orleans was given a government of its own, but Louisiana had been attached to the Territory of Indiana. On July 4, 1805, however, the District of Louisiana became the Territory of Louisiana, with a governor, secretary, judges, etc.* In 1812, when the Territory of Orleans was admitted as a State under the name of Louisiana, the name Territory of Louisiana was dropped and that of Territory of Missouri substituted. As Missouri, according to the census of 1810, had 20,000 inhabitants, it became a Territory of the second grade and was given a house of representatives elected by the people, a legislative council of nine appointed by the President, and a delegate to Congress. When the hard times came after the War of 1812, hundreds of thousands of people migrated from East to West, a large percentage of them settling in Missouri.* As slavery was permitted in the Territory, it was a land of promise for every slaveholder and emigrant from the Southern States. The increase in the population brought a desire for a change in the form of government.

In 1816 Congress had consented that the council should consist of one member from each county to be elected by the people, who clamored for the kind of local government they had known in the East. Hence when In-

* See Volume v., chaps. ii. and xii. of this History.

* McMaster, vol. iv., pp. 570–571.

diana, Mississippi and Illinois were admitted, the feeling that Missouri should become a State and be allowed to join the Union became much stronger. Soon petitions were sent to Congress, and though they were ignored at first, one finally came from the Territorial legislature, received attention, and was sent to the select committee of which John Scott, the Missouri delegate, was chairman. A bill was soon reported and sent to the Committee of the Whole, but nothing was done before the House adjourned in the summer. In November of 1818, when Congress re-assembled, a second petition was presented from the Missouri Legislature and on January 30, 1819, Mr. Scott introduced another petition from what is now Arkansas, asking that the Territory be divided.* These petitions were referred to the proper committees, and shortly afterward a bill to enable the people of Missouri to form a State constitution was reported, and on February 13, 1819, the matter was taken under consideration by the Committee of the Whole. Hardly had the discussion opened when James Tallmadge, Jr., of New York, introduced an amendment which threw the committee into confusion. This amendment provided "That the introduction of slavery or involuntary servitude be prohibited except for the punishment of crimes whereof the party has been duly convicted; and that all children born within the said State after the admission thereof into the Union shall be free at the age of twenty-five years."* This amendment was immediately attacked from all sides as being unconstitutional, unwise, and impossible of execution. It was said that Congress had no power to lay a restriction on any State as a condition upon which it might be admitted to the Union. According to the treaty by which Louisiana was purchased, Congress was pledged to form that territory into States and admit them on the same footing as the original States; but if Missouri were compelled to abolish slavery before being admitted to the Union, she would not enter the Union on an equality with the other States. The restriction would be unwise, as Southern emigrants would thus be shut out from the State and free State men alone allowed to enter. Besides, the diminution of emigrants would lessen the number of purchasers of land, with the consequent drop in public revenues. The amendment could not be carried out, for even though the State were admitted with this restriction, it would amend its constitution and reëstablish slavery on becoming a State, a thing Congress could not prevent.† Despite all oppo-

* *Annals of Congress*, 15th Congress, 2d session, pp. 413–414, 418, 911.

* *Ibid*, p. 1170; Benton, *Abridgment*, vol. vi., p. 234; *Niles' Register*, vol. xvi., sup., p. 161; McDonald, *Select Documents*, p. 221. See also Von Holst, *Constitutional and Political History*, vol. i., p. 357.; G. W. Williams, *History of the Negro Race in America*, vol. ii., p. 14.

† See the speeches in *Annals*, pp. 1170–1193; Benton, *Abridgment*, vol. vi., p. 334; *Niles' Register*, vol. xvi., sup., pp. 161–173.

sition, the committee adopted the amendment by a vote of 79 to 67, when the bill was reported to the House.* On February 16 it was finally agreed to by two votes (87 to 76 and 82 to 78), was ordered to a third reading by a vote of 97 to 56 and on the 17th passed the House.† In the Senate the matter was quickly disposed of, for the session was rapidly drawing to a close. The bill was hurried to a committee, reported with the Tallmadge amendment stricken out, and passed on March 2.‡ The House, by a majority of two (78 to 76), refused to concur in the amendments and sent the bill back to the Senate,‖ but the Senate refused to reconsider its amendments and returned the bill to the House, which for the second time voted to adhere (78 to 66) and consequently the bill was lost.§ The whole subject was therefore laid over until the next session.¶

The struggle for free soil was not confined to Missouri, for a bill had been introduced creating the Territory of Arkansas. On February 17, 1819, this bill came up in Committee of the Whole and John W. Taylor moved an amendment similar to Tallmadge's amendment to the Missouri bill.* A sharp struggle followed. Clay accused the free-soil members of "negrophobia," of a desire to coop up their brethern of the South, and demanded to know what they had done that they should be proscribed.† Felix Walker, of North Carolina, said that the amendment deprived the South of all part and lot in the territory west of the Mississippi and the people of Arkansas of the constitutional right of enacting their own laws by imposing on them a condition which they could not accept.‡ These arguments had much weight and the amendment failed by a vote of 80 to 68.‖ When the bill came up the next day (February 18) Taylor again moved his amendment. The first part, relating to the future introduction of slaves, was lost by one vote (71 to 70), but the second part, declaring that "all children born of slaves within the said territory shall be free but may be held to service until the age of twenty-five years," was passed by a vote of 75 to 73.§ But the bill was laid on the table and on the next day was sent to a select committee, with instructions to report it with a gradual abolition clause.¶ This committee reported

* Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 136–138.

† *Annals*, pp. 1194–1216; Benton, pp. 346–356; Williams, *The Negro Race*, vol. ii., p. 15.

‡ *Annals*, pp. 238, 251, 272–273, 279.

‖ *Annals*, pp. 1433–1435.

§ *Annals*, pp. 1436–1438; Benton, pp. 370–371.

¶ Curtis, *Constitutional History*, vol. ii., pp. 200, 201; Williams, *The Negro Race*, vol. ii., p. 15; Schurz, *Life of Clay*, vol. i., pp. 176–177; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 138–139; Schouler, *United States*, vol. iii., pp. 102–103.

* *Annals*, p. 1222, Benton, p. 356; *Niles' Register*, vol. xvi., p. 94.

† *Niles*, sup., p. 173.

‡ *Ibid*, sup., pp. 174–175; *Annals*, pp. 1226–1227.

‖ *Annals*, p. 1235.

§ *Niles*, p. 94; *Annals*, pp. 1237–1238; Benton, p. 364.

¶ *Niles*, p. 95.

the bill immediately without amendment and the report was concurred in by a vote of 89 to 87.* Taylor moved some new amendments, and when these were rejected he moved that "Neither slavery nor involuntary servitude shall hereafter be introduced into any part of the territories of the United States lying north of 36 degrees and 30 minutes north latitude."† The House was not ready for such a sweeping declaration, however, and Taylor withdrew the amendment, whereupon the bill was ordered to be engrossed.‡ On the 20th it was passed and, as no opposition was encountered in the Senate, it was sent to the President for signature, becoming law on March 2.||

The struggle for free soil was then transferred to the country at large. Anti-slavery societies at this time had fallen into decay, and even anti-slavery literature had ceased to appear; the only anti-slavery newspaper in existence was *The Philanthropist,* edited by a Southern man and circulated in the South, while the only active anti-slavery societies were the manumission societies in the South. The belief was prevalent in the North that the status of slavery had long since been settled, but when the further extension of slavery was brought up by the struggle over the admission of Missouri, the North became violently excited, and the excitement found vent in meetings and resolutions. At a meeting in Trenton on January 24, 1820, the Senators and Representatives of that State in Congress were requested to use their utmost endeavors to prevent slavery in Missouri or in any other State which should hereafter be admitted.* A meeting at Boston declared that Congress had ample power under the Constitution to prohibit slavery, that it could make the prohibition of slavery a condition of admission to the Union, and that in this particular case it was expected to do so. Various other meetings at Philadelphia, Baltimore, and New York took the ground that slavery was a political and moral evil, dangerous to the public welfare, at variance with the Declaration of Independence and with the principles of universal liberty and human rights, and that it was unwise to allow States to be created which would tolerate slavery within their jurisdiction. These resolutions were re-echoed by county meetings, town meetings, grand juries, etc., and all the Northern States and several of the other States instructed their Representatives to oppose the admission of Missouri on a slaveholding basis, while

* *Annals,* p. 1272–1273.

† *Annals,* p. 1280; *Niles,* p. 95; *Benton,* p. 366.

‡ *Annals,* 1282.

|| *Annals,* pp. 2502–2505. See also McMaster, vol. iv., pp. 574–576; Wilson, *Rise and Fall of Slave Power,* vol. i., pp. 139–141.

* Williams, *The Negro Race in America,* vol. ii., p. 16; McMaster, vol. iv., p. 577.

Pennsylvania went so far as to demand a total abolition of slavery.* South of Pennsylvania and Delaware, public sentiment was just the reverse. Maryland instructed her Representatives to see that all new States admitted be given the same rights and privileges as the old ones and that a prohibition of slavery should not be a condition of admission.† The General Assembly of Virginia declared that they would "support the good people of Missouri in their just rights and admission into the Union, and [would] coöperate with them in resisting, with manly fortitude, any attempt which Congress [might] make to impose restraints or restrictions as the price of their admission."‡ Kentucky instructed her Representatives and Senators to vote for the admission of Missouri "whether those people will sanction slavery by their constitution or not."‖ Ohio and Indiana favored restraining slaveholding in the territory east of the Mississippi.

The first session of the Sixteenth Congress began on December 6, 1819. Clay was reëlected Speaker without opposition and on the 7th the third annual message was received.§ Almost immediately after this was read, John Scott moved that the memorial sent by Missouri to the last Congress be referred to a select committee. Strong, of New York, then said that he would introduce a bill the next day prohibiting the further extension of slavery within the Territories of the United States.* On December 14 Alabama was admitted as a slave State, without any great difference of opinion in Congress,† and almost at the same time (December 8) a memorial was presented by the people of Maine praying to be admitted as a State before the last day of January, 1820.‡

It will be remembered that for a long time after the Revolution Maine continued to be a part of Massachusetts, and the subject of separation does not seem to have been broached until public discussion was started in the *Falmouth Gazette* in 1785. In September of that year a call was issued for a convention of the inhabitants to take the subject under consideration. In January of 1786 such a convention met at Falmouth (now Portland) and a committee was appointed to draw up a list of grievances against Massachusetts. Such a list was drawn up, but nothing seems to have been said regarding separation, though it was suggested that another

* Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 150–152. See also *Niles' Register*, vol. xvii., pp. 189, 199–201; 241–242, 287, 296–297, 304, 342–343.

† *Niles' Register*, vol. xvii., pp. 334, 336.

‡ *Ibid*, vol. xvii., pp. 343–344.

‖ *Ibid*, vol. xvii., p. 344.

§ For which see Richardson, *Messages and Papers*, vol. ii., pp. 54–62; *Niles' Register*, vol. xvii., pp. 235–239; *Annals of Congress*, 16th Congress, 1st session, pp. 12–20; Benton, *Abridgment*, vol. vi., pp. 375–379.

* *Annals*, p. 704.

† For her constitution see *Niles' Register*, vol. xvii., pp. 45–53. The enabling act, resolution for admission, and constitution will be found also in Thorpe, *Federal and State Constitutions*, vol. i., pp. 92–114.

‡ *Annals*, p. 704.

convention be held the following September. At this convention a petition to the legislature requesting the separation was prepared, but it was not presented until 1788. At this time the legislature refused to take any action in the matter and, as public interest died out, nothing further was done for several years. In 1791, however, agitation on the subject was renewed. It was found that the taxes paid by Maine to Massachusetts would support a separate State government, and the General Court accordingly appointed the first Monday in May of 1792 as the time when the people of Maine should vote for or against separation. When the vote was taken, separation was defeated by a vote of 2,525 against 2,074.* In 1793 a third attempt was made and several conventions were held until 1797; but, as nothing definite was decided upon, the question was dropped until 1807, when the General Court was again persuaded to submit the question to the people. The attempt to separate was again defeated — this time by a vote of 9,000 to 3,000 — and nothing more was heard of separation until 1815. By that time emigration to the West was in full swing and the people became alarmed lest the district become depopulated, and in the hope of checking migration, agitation for separation was revived for the fifth time. The General Court was persuaded once more to submit the question to the people. This time the separationists were successful, the vote being 10,000 for and 6,000 against separation. The General Court then ordered an election of delegates to a convention to meet at Brunswick for the purpose of framing a constitution, but when the convention met, the members fell to quarrelling and again the movement proved abortive.* Three years later (1819) another effort was made, which resulted in complete success (the vote standing 17,091 to 7,132†) and on October 11-29, 1819, a convention framed a constitution, which was accepted by the people in town meetings on December 6.‡

The memorial before mentioned, requesting admission into the Union was then sent to Congress and referred to a select committee. On December 21 a bill to admit Maine was reported, and on the 30th was considered in Committee of the Whole.‖ When it was suggested that the Committee report the bill to the House, Clay made a long and bitter speech in which he said that he would not consent to the admission of Maine while a restriction of any sort was imposed upon Missouri.§

* McMaster, vol. iv., pp. 581–582.

* McMaster, vol. iv., pp. 582–583.

† *Niles' Register*, vol. xvii., p. 9; Schouler, *United States*, vol. iii., p. 156.

‡ Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1646–1664. See also *Niles' Register*, vol. xvii., pp. 116, 142, and vol. xix., pp. 26–36.

‖ *Annals*, p. 749; Curtis, *Constitutional History*, vol. ii., p. 201.

§ Clay, *Life of Clay*, pp. 110–111.

He said:

"A State in the quarter of the country from which I come asks to be admitted in the Union. What say the gentlemen who ask the admission of this State of Maine into the Union? Why, they will not admit Missouri without a condition which strips it of an essential attribute of sovereignty. What, then, do I say to them? That justice is due to all parts of the Union; your State shall be admitted free of condition, but if you refuse to admit Missouri also free of condition, we see no reason why you should take to yourselves privileges which you deny to her; and until you grant them also to her we will not admit you."*

Another objection was raised regarding the representation of Maine in the House. To all intents and purposes, the District of Maine was not known to the House, for Maine was still a part of Massachusetts and the seven men on the floor of the House who came from the District of Maine were technically representatives of the State of Massachusetts. Massachusetts had 13 representatives by law, but was it possible that Congress could take away 7 of her delegates and give them to the new State? And could Massachusetts by her consent give Congress power to do so? If she could, was that consent to be expressed by the legislature or by the whole people? Nevertheless, the bill was reported to the House and on January 3, 1820, was passed.†

Meanwhile a bill to the same effect had been reported in the Senate on December 22,‡ but further consideration of it was postponed when the House bill was received. The House bill was referred to the Committee on the Judiciary and was soon reported back with amendments in the form of a rider by which it was provided that Missouri should be admitted at the same time as Maine, without restriction as to slavery. It was then moved that the bill be recommitted to the committee, with instructions to separate the two bills,* and the debate on the matter began in earnest.† It was said that the two subjects in a single bill were totally distinct. Maine had framed her constitution, had received the consent of the State from which she was to be separated, and there was no dispute about her boundaries, her population, or the justness of her claim for admission. With regard to Missouri, however, nothing was definite — her population was not known precisely, her boundaries had not been definitely settled, and certain conditions under which she requested admission were repugnant to a large part of the whole country. The minute the Maine bill was passed, the State government would go into operation, whereas Missouri had yet to call her convention for the purpose of forming her constitution, which would then be subject to the rejection of Congress and might delay the admission of the State until the next session. In reply, it was said that while

* *Annals*, p. 841; Benton, *Abridgment*, vol. vi., p. 474; Curtis (p. 202 *et seq.*) gives long extracts from the various speeches.

† *Annals*, pp. 846–849; Curtis, *Constitutional History*, vol. ii., p. 201.

‡ *Annals*, pp. 35–36.

* *Annals*, pp. 54, 85.

† *Annals*, pp. 85–118; Benton, *Abridgment*, vol. vi., pp. 382–388.

the two bills differed in detail, these differences did not constitute a ground for separate consideration. If either State had a stronger claim than the other, the advantage lay with Missouri; for, while the Constitution provided that the new States might be admitted into the Union by Congress, that body was under obligation to admit Missouri, for a treaty is the supreme law of the land, and by the treaty under which Louisiana was acquired it was stipulated "that the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible." Thus the terms were imperative and no conditions were annexed. Thereupon, on January 14, 1820, the Senate refused to separate the two bills by a vote of 25 to 18.*

Roberts next moved that a proviso be added to the Missouri bill that "the further introduction in the said State of persons to be held to slavery or involuntary servitude within the same shall be absolutely and irrevocably prohibited."† During the following three weeks this matter was thoroughly discussed, although very few new arguments were advanced. The friends of Missouri claimed that they were not advocating slavery and had always supported any proposition which had for its object the suppression of the slave trade. They said that the question was not whether slavery should be diminished, but whether it should be confined to its present limits; whether it should be diffused over a wide territory where, because of their fewness, the slaves might be brought within humanizing influences, or be confined to a very small area until the blacks should greatly outnumber the whites and drive them out of the country. They argued that, according to the Constitution, Congress had the power to admit States, but that nothing in that instrument could be construed as giving Congress power to impose any conditions it saw fit. Congress had but the power to admit or reject, and if it saw fit to admit a new State, that new State came in possession of all the sovereignty, freedom, and independence retained by the original States, including the right to organize her government as her people liked. The Constitution guaranteed further that the citizens of each State be entitled to all the privileges and immunities of the citizens of the several States, but if it were impossible for the citizens of other States to take slaves into Missouri, was not this guarantee under the Constitution violated? Was not the citizen who was prohibited from taking all his property into Missouri discriminated against and thereby denied the privileges of the citizens residing in the States? Again it was said that, while Congress had power to make all the needful rules and regulations for the

* *Annals*, p. 118; Schouler, *United States*, vol. iii., p. 158; *Niles' Register*, vol. xvii., p. 347.

† *Annals*, p. 119; *Niles' Register*, vol. xvii., p. 404.

government of the Territories, it did not have the right to impose any restrictions on a State. Furthermore, the treaty of cession provided that the inhabitants of the ceded territory be admitted into the Union as soon as possible according to the principles of the Federal Constitution and granted all the rights, advantages, and immunities of the citizens of the United States. In the face of this promise, how could Congress refuse admittance to Missouri, much less forbid slavery, when under the Constitution it was the right of the citizens to own slaves?*

The greatest speeches were delivered by William Pinckney, of Maryland, and by Rufus King, of New York — the former in defence of slavery † and the latter in behalf of freedom.‡ When Pinckney and King had spoken and had been answered (February 1), the amendments proposed by Roberts were voted on and defeated by a vote of 27 to 16. The next day Senator Burrill, of Rhode Island, proposed a new amendment providing that the first three articles of compact in the Ordinance of July 13, 1787, be added to the Missouri bill.* The next day (February 3), however, he withdrew this amendment to allow Senator Thomas, of Illinois, to introduce an amendment of a very different nature. This provided that in no part of Louisiana north of 36 degrees 30 minutes, except so much as was included in the State of Missouri, should slavery exist.† On the 7th, however, he withdrew this amendment so that he might present it in another form.‡ Thus nothing was left before the Senate but the amendment reported by the Judiciary Committee uniting the Maine and Missouri bills in one. This was then debated another week, and on February 16 the amendment was ratified by a vote of 23 to 21.‖ Immediately after the result was announced, Thomas moved that the sixth article of the Ordinance of 1787 should apply to the part of Louisiana north of 36 degrees, except that part which was to be included in

* For a discussion of these points see Von Holst, *Constitutional and Political History*, vol. i., pp. 359–370. For the entire debate see *Annals*, pp. 119–255, 259–359; Benton, pp. 389–434. For other speeches see *Niles' Register*, vol. xviii., pp. 367–384, 403–412, 436–440, 453–458.

† Pinckney (*Life of Pinckney*, p. 291) disagrees with this statement. He says: "Pinckney stood up in defence of the Constitution. He stood by the States, maintained their original and indestructible equality, and denied that you 'could make the Union as to the new States what it is not as to the old.' He deprecated the introduction of such extraneous matter as had been unwisely forced into the discussion, and unwove the web so artistically woven by the Senator from New York. It was not a discussion on slavery at all. It was a bare, naked, constitutional question, and as such Mr. Pinckney treated it."

‡ See Moore, *American Eloquence*, vol. ii., pp. 44–51, 114–129; *Niles' Register*, vol. xviii., pp. 349–357; *The South in the Building of the Nation*, vol. ix., pp. 226–270, Pinckney, *Life of Pinckney*, pp. 292–337 (Pinckney's speech). See also Rhodes, *United States*, vol. i., pp. 34–36; Quincy, *Memoirs of John Quincy Adams*, p. 99 *et seq.*; Turner, *Rise of the New West*, pp. 161–162.

* *Annals*, pp. 360–361.

† *Annals*, p. 363; Benton, p. 435; Schouler, *United States*, vol. iii., p. 163.

‡ *Annals*, p. 367.

‖ *Annals*, pp. 374–423; Benton, pp. 435–450.

Missouri. Barbour, of Virginia, thereupon moved that 40 degrees be substituted for 36 degrees 30 minutes, but this was voted down by a large majority. Other attempts were made to amend the Thomas amendment, but in vain.* The next day (February 17) Thomas withdrew this amendment and substituted the one he had withdrawn ten days before, which provided:

"That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be and is hereby forever prohibited; *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."†

This amendment was then adopted by a vote of 34 to 10, and as thus amended the bill was passed (24 to 20)‡ and sent to the House of Representatives on February 19.||

Meanwhile, after having passed the bill to admit Maine (which had now come back to it with the bill to admit Missouri as an amendment), the House on January 24, 1820, had taken under discussion a Missouri bill of its own. During the discussion Henry Storrs, of New York, moved that there should be neither slavery nor involuntary servitude, except in the punishment of crime, north of the 38th degree and west of the Mississippi, except in Missouri; but on the 26th this motion was defeated.* The same day John W. Taylor, of New York, moved as an amendment to the bill a section forbidding slavery to exist in Missouri but providing

"that any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid. And provided also that said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said territory."†

This bill was still under debate when the Maine-Missouri bill, with the Thomas compromise amendment, came from the Senate. It was at once proposed that the House disagree and for three days the subject was debated before the House (on February 23) stripped the Missouri rider from the Maine bill, threw out the Thomas amendment to the Missouri bill (by a vote of 159 to 18), and agreed to reconsider its own Missouri bill.‡ On February 28, however, the Senate, by votes of 23 to 21 and 33 to 11, refused to recede from its position and sent a message to the House insisting on the

* *Annals*, p. 424.

† *Annals*, p. 427; Benton, p. 451.

‡ *Annals*, pp. 427–428; Benton, pp. 451–452.

|| Wilson, *Rise and Fall of Slave Power*, vol. i., p. 143; Schouler, *United States*, vol. iii., p. 163; Williams, *Negro Race in America*, vol. ii., p. 17.

* *Annals*, pp. 940–947; Benton, pp. 477–479.

† *Annals*, p. 947; *Niles' Register*, vol. xviii., p. 17.

‡ *Annals*, pp. 1405–1450, 1455–1457; Benton, *Abridgment*, vol. vi., pp. 553–557; Schouler, *United States*, vol. iii., p. 164.

amendments.* But the House was equally firm and the same day, by a vote of 160 to 14, insisted on its disagreement.† Accordingly a conference committee was appointed to take the matter into consideration.‡ The House then again went back to their own bill for admitting Missouri, on March 1 passed it (with the restrictive amendment of Taylor) by a vote of 91 to 82, sent it to the Senate, and within twenty-four hours received it back again, stripped of the Taylor amendment (by a vote of 27 to 15) and with Thomas' tacked on.|| By this time, however, the conference committee was ready to present its report, which recommended three things: that the Senate should give up its attempt to unite the Maine and Missouri bills in one and that Maine should be admitted; second, that the House should no longer insist that slavery be prohibited in Missouri; and, third, that both Houses agree to pass the Senate bill which admitted slavery to Missouri but shut it from all the rest of the territory ceded by France to the United States north of 36 degrees and 30 minutes.§ When the roll was called on the compromise measure (March 2), it was found that 90 had voted in favor and 87 against,* so that by a margin of 3 votes Missouri was permitted to form a constitution without excluding slavery from her domain. After this test of strength, the Thomas amendment was easily carried by a vote of 134 to 42.‡ Next day (March 3) the Maine bill passed the Senate on its merits|| and the two acts were sent at once to the President, that for the admission of Maine receiving his signature before night.§ Before placing his signature to the Missouri Act, however, Monroe summoned his Cabinet and asked them their opinion in writing on two questions. First, whether Congress had a constitutional right to prohibit slavery in the Territory; and second, whether the section of the Missouri bill which forbade slavery in the Territory north of 36 degrees and 30 minutes west of the Missouri applied to the territorial State alone, or was binding on the States formed out of that territory. To the first question Adams, Crawford, Calhoun, and Wirt answered yes; but regarding the second, Crawford, Calhoun, and Wirt

* *Annals*, p. 457; Benton, p. 452.

† *Annals*, pp. 1552–1555. See also J. A. Woodburn, *The Historical Significance of the Missouri Compromise*, in *Report of the American Historical Association*, 1893, pp. 251–297.

‡ Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 143–147.

|| *Annals*, pp. 1458–1463, 1466–1489, 1491–1540, 1555–1567, 1572–1573; Schouler, *United States*, vol. iii., pp. 164–165; *Niles' Register*, vol. xviii, p. 27.

§ Williams, *Negro Race in America*, vol. ii., p. 18; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 143–147.

* *Niles' Register*, vol. xviii., p. 29.

† *Annals*, pp. 1576–1587; Benton, *Abridgment*, pp. 567–570; Von Holst, *Constitutional and Political History*, vol. i., p. 372; Clay, *Life of Clay*, pp. 113–114.

‡ *Annals*, p. 1587; *Niles' Register*, vol. xviii., p. 30.

|| *Annals*, pp. 467–469, 471–472.

§ Schouler, *United States*, vol. iii., p. 166. The act is in Thorpe, *Federal and State Constitutions*, vol. iii., p. 1645; *Annals*, pp. 2555–2559.

thought the injunction applied only to the territorial condition, while Adams thought it applied to the State as well. Calhoun therefore suggested that the question be changed so as to read, "Is the Eighth Section of the Missouri bill consistent with the Constitution?" To this Monroe consented and a few days later the secretaries answered in writing; but as the papers have been lost, it cannot be known exactly what stand they took.* Evidently it was favorable, for the bill was signed on March 6 and became law.†

The passage of the Missouri bill on March 2 and the Maine bill on March 3, and the approval of both by the President would seem to indicate that the struggle had ended, but the bitterest part of it was still to come. The convention for framing the constitution of Missouri met at St. Louis, June 12 to July 19, and the constitution then adopted was laid before Congress on November 14, 1820.‡ Instead of handling the slavery question with gloves, those who framed the constitution inserted two provisions which could not fail to arouse all the old animosities. One of these provisions forbade the legislature ever to pass a law emancipating slaves without their masters' consent; the other made it incumbent upon the General Asembly to forbid free negroes or mulattoes from entering the State under any pretext.* The free-soilers fell upon these clauses with redoubled fury, reminding the pro-slavery men that it was a direct violation of the Constitution and that unless Missouri eliminated this odious discrimination from the constitution she would not be admitted.† In reply, it was declared that Missouri was already a State, as Congress had passed an enabling act on the only condition that she form a State government. This she had done and was therefore a State; and, as each State had the right to exclude obnoxious persons, Missouri had the right to incorporate the provision alluded to. But after much discussion, the House decided on December 13 by a vote of 93 to 79, that Missouri was

* See *Memoirs of John Quincy Adams*, vol. v., pp. 5–15; Benton, *Thirty Years' View*, vol. ii., p. 141; Quincy, *Memoir of John Quincy Adams*, p. 106 *et seq.*; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 148–149; Schouler, *United States*, vol. iii., pp. 167–168; McMaster, vol. iv., pp. 593–594.

† For text see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 2145–2148.

‡ *Annals of Congress*, 16th Congress, 2d session, pp. 10, 440. For text see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 2150–2167; *Niles' Register*, vol. xix., pp. 50–59.

* Section 26. See also Schouler, *United States*, vol. iii., p. 180; *Niles' Register*, vol. xviii., p. 400; Williams, *Negro Race in America*, vol ii., p. 19.

† Jefferson wrote: "This momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the death knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper."—Ford's ed. of Jefferson's *Writings*, vol. x., p. 157. In this connection, see also *Memoirs of John Quincy Adams*, vol. iv., pp. 530–531.

not yet a State.* It was then demanded: "If Missouri is not a State, what is she?" And, in order to bring the issue clearly before the House, it was moved on January 4 by Archer, of Virginia, that the Committee on the Judiciary be instructed to inquire as to the exact legal status of Missouri as regarding her relation to the United States. But this resolution was tabled by a vote of 91 to 58.† For two weeks the subject was dropped, but on January 24 a resolution was introduced by William Eustis, of Massachusetts, providing that Missouri should be admitted if the objectionable clauses were expunged from the constitution.‡ On the same day, however, the House voted this down (146 to 6)‖ and heard nothing more from Missouri until January 29, when the Senate sent down a bill coupled with a most discreditable proposition. This was that "nothing herein contained shall be so construed as to give the assent of Congress to any provision in the Constitution of Missouri (if any such there be) which contravenes that clause of the Constitution of the United States, which declares that the citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States." This was debated day after day until February 2 without any agreement being reached.* On that day Clay moved that the matter be referred to a select committee of 13.† On the committee were eight members from the free States and five from the slave States‡ — men coming from every section of the country and holding every shade of political opinion. Henry Clay was the chairman.‖ On February 10 this committee presented its report naming two conditions on which Missouri should be declared admitted.§ First, that no law was ever to be passed preventing any person from going to or settling in Missouri; second, that the legislature of Missouri was to pass an act to this effect which should be transmitted to the President. This done, President Mon-

*Niles' Register, vol. xix., p. 256; *Annals of Congress*, 16th Congress, 2d session, pp. 453–455, 508–575, 580–640, 643–670; Benton, *Abridgment*, vol. vii., pp. 12–50; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 153–158.

† *Annals*, pp. 735–742, 797, 802.

‡ Schouler, *United States*, vol. iii., p. 182; *Niles' Register*, vol. xix., p. 366.

‖ *Annals*, pp. 942–944; McMaster, vol. iv., p. 596.

* *Annals*, pp. 982–995, 1001–1002, 1006–1027; Benton, pp. 83–86, 88–92.

† Clay, *Life of Clay*, pp. 118–119; *Niles' Register*, vol. xix., p. 399; Schouler, *United States*, vol. iii., p. 183.

‡ McMaster, vol. iv., pp. 596–597; Schouler (p. 183) says seven Northeners and six Southerners. The Committee consisted of Clay, Eustis, of Massachusetts, Samuel Smith, of Maryland, John Sergeant, of Pennsylvania, William Lowndes, of South Carolina, William D. Ford, of New York, J. W. Campbell, of Ohio, William S. Archer, of Virginia, Aaron Hackley, of New York, S. Moore, of Pennsylvania, Thomas W. Cobb, of Georgia, Gideon Tomlinson, of Connecticut, Josiah Butler, of New Hampshire. See *Niles' Register*, vol. xix., p. 399.

‖ Schurz, *Life of Clay*, vol. i., p. 187; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 158–159.

§ *American State Papers, Miscellaneous*, vol. ii., p. 655–656; *Niles' Register*, vol. xix., pp. 402–403; *Annals*, pp. 1078–1080.

roe would declare Missouri a State of the Union by proclamation.* Still the majority would not yield and the Senate resolution, together with the amendment offered by the committee of 13 was defeated on the 12th by a vote of 83 to 80.† The excitement was now intense, and the members absent when the roll was called hurried to the Capitol and asked that their votes be recorded.‡ This required unanimous consent, and as that could not be secured, a struggle for reconsideration ensued, which continued until the motion was defeated by a majority of six, the vote standing 88 to 82.‖

This was on the eve of the day fixed for counting the electoral vote. Believing that she was a State, Missouri had used her right to cast an electoral vote, had chosen electors, and in the usual way had sent a certified copy to the President of the Senate. As the time drew near when the vote was to be canvassed, and as the matter of admission was still as far from settlement as ever, the House and the Senate agreed to a plan by which, it was hoped, contention might be avoided. As her vote would not affect the result of the election in any way, it was decided that, in case the vote of Missouri was contested, the President of the Senate, when announcing the ballot, should first state what the result would be if her vote were counted, then what it would be if not counted, and finally declare: "But in either case A. B. is elected President of the United States."* When the two Houses convened for this ceremony, the ballots were opened and recorded by the clerk of the House. At this time the order of roll call was partly geographical and partly according to the time of admission, so that Missouri came last on the list. The President had no sooner read her vote than Livermore, of New Hampshire, objected to this vote being received because Missouri was not a State in the Union.† Some one seconded the objection and a great clamor arose. Finally the voice of a Senator was heard above the din, calling upon the Senate to withdraw, which was done, and the House was left to wrangle as it pleased. The latter body continued in disorder for more than an hour, and after it had quieted down, Floyd, of Virginia, moved "that Missouri is one of the States of this Union and her votes for President and Vice-President ought to be received and

* Clay, *Life of Clay*, pp. 119–120; Schurz, *Life of Clay*, vol. i., p. 188.

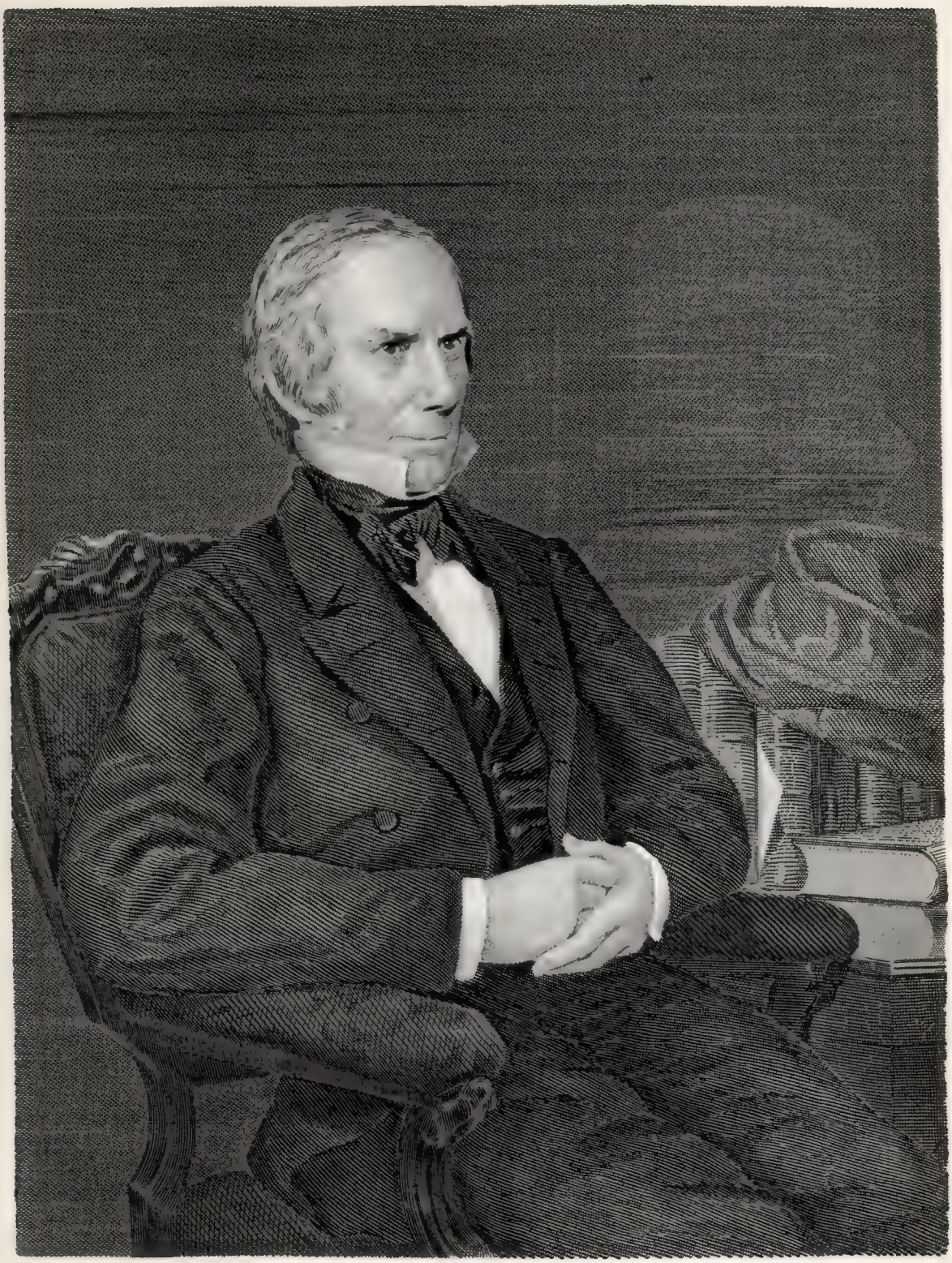
† *Annals*, pp. 1093–1117; Benton, *Abridgment*, vol. vii., pp. 100–104. Mrs. Archibald Dixon, *The Missouri Compromise and Its Repeal*, p. 110; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 159; *Niles' Register*, vol. xix., pp. 411–412.

‡ McMaster, vol. iv., p. 597.

‖ *Niles' Register*, vol. xix., p. 413; *Annals*, pp. 1118–1146; Benton, pp. 104–113; Clay, *Life of Clay*, pp. 120–121; Schouler, *United States*, vol. iii., p. 184.

* Stanwood, *History of Presidential Elections*, p. 72; Schurz, *Life of Clay*, vol. i., p. 190. See also *Annals of Congress*, 16th Congress, 2d session, pp. 341–343, 1147–1153.

† *Annals*, p. 1154; Benton, p. 116; Stanwood, p. 73; Schouler, *United States*, vol. iii., p. 184.



H. Clay

counted."* Clay succeeded in getting this motion tabled† and finally discussion of the matter was dropped, and the Senate was requested to return so that the count of the electoral vote might be continued. Again, as the President of the Senate began to announce the result in the manner agreed to by the House, Floyd and Randolph interrupted to ask whether the votes of Missouri had or had not been counted. After much disorder, Monroe and Tompkins were declared elected President and Vice-President of the United States.‡

On February 16 Jonathan Roberts, of Pennsylvania, introduced a resolution in the Senate to admit Missouri on condition that the clause in dispute be struck from her constitution,‖ but again this effort failed. On the 15th Robert Clark, of New York, introduced a similar resolution in the House, but it was tabled.§ As Congress must adjourn on March 4, it was seen that if Missouri were to be admitted at this session it must be done quickly. Nevertheless, it was not until the 22d that the matter was again considered, when a motion was made to repeal the enabling act. As this was a new and unexpected phase of the question, Clay became alarmed and proposed that a joint committee be appointed to take the matter under consideration.* This was agreed to by a vote of 101 to 55,† and on the following day the House committee of 23, with Clay at the head, was chosen.‡ The Senate, by a vote of 29 to 7, acceded to the plan and appointed John Holmes, of Maine, James Barbour, Roberts, David L. Morril, of New Hampshire, Samuel L. Southard, of New Jersey, R. M. Johnson, of Kentucky, and Rufus King.‖ A report similar to the one presented by the committee of 13 was handed down and immediately rejected:

"*Resolved*, That Missouri shall be admitted into this union, on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution, submitted on the part of said State to Congress, shall never be construed as to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this union shall be excluded from any of the privileges

* *Niles' Register*, vol. xix., p. 414; *Annals*, p. 1154.

† *Annals*, pp. 1155–1163; Benton, pp. 116–121; Schurz, *Life of Clay*, vol. i., p. 191.

‡ *Annals*, p. 1164; Stanwood, pp. 73–74; McMaster, vol. iv., pp. 598–600; Schouler, *United States*, vol. iii., pp. 184–185.

‖ *Annals*, pp. 351–355, 360–364; Schouler, *United States*, vol. iii., p. 185.

§ *Annals*, pp. 1166–1167.

* Schurz, *Life of Clay*, vol. i., pp. 191–192; McMaster, vol. iv., p. 600.

† *Niles' Register*, vol. xix., p. 430; *Annals*, p. 1219; Schouler, *United States*, vol. iii., p. 185.

‡ Clay, *Life of Clay*, p. 122; Sargent, *Life of Clay*, p. 93; *Niles' Register*, vol. xx., p. 12. The committee consisted of Clay, Thomas W. Cobb, of Georgia, Mark L. Hill, of Maine, Barbour, of Virginia, Storrs, of New York, John Cocke, of Tennessee, Christopher Rankin, of Tennessee, Archer, of Virginia, William Brown, of Kentucky, Samuel Eddy, of Rhode Island, William B. Ford, of New York, Thomas Culbreth, of Maryland, Aaron Hackley, of New York, S. Moore, of Pennsylvania, James Stevens, of Connecticut, and Rogers, of Pennsylvania. See *Annals*, p. 1223; Benton, p. 128.

‖ *Annals*, p. 382; Benton, pp. 710–711; Schouler, *United States*, vol. iii., p. 186.

and immunities to which such citizen is entitled under the constitution of the United States:—

"*Provided*, That the legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act, upon receipt whereof the President, by proclamation, shall announce the fact; hereupon, and without any further proceeding on the part of Congress, the admission of the said State into this union shall be considered as complete."*

After another conflict, this was agreed to by the House on February 26, by a vote of 87 to 81;† the Senate agreed to the report on the 28th by a vote of 28 to 14,* and on March 2 the resolution was approved.† This provided that when the State legislature should assent to this fundamental condition, the President was to declare her admitted.‡ This condition was accepted by the Missouri legislature on June 26, 1821,‖ and on August 10, 1821, President Monroe issued a proclamation declaring Missouri to be a State.§ Thus the long struggle over Missouri passed into history.¶

* *Niles' Register*, vol. xx., p. 13; *Annals*, p. 1228; Adams, *Lives of Madison and Monroe*, pp. 346–347.

† *Niles' Register*, vol. xx., p. 14; *Annals*, pp. 1236–1240. Some say the vote was 86 to 82, but this was on the question of the third reading.

* *Annals*, p. 390; Benton, p. 711.

† *Niles' Register*, vol. xx., p. 301; Quincy, *Memoir of John Quincy Adams*, pp. 116–117; Clay, *Life of Clay*, p. 124.

‡ For text see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 2148–2149.

‖ For text see *Niles' Register*, vol. xx., pp. 388–389.

§ Richardson, *Messages and Papers*, vol. ii., p. 95–96; Thorpe, vol. iv., pp. 2149–2150. See also Schurz, *Life of Clay*, vol. i., p. 183; Benton, *Thirty Years' View*, vol. i., p. 8; Schouler, *United States*, vol. iii., pp. 186–187.

¶ For other phases of the dispute, see James A. Woodburn, *The Historic Significance of the Missouri Compromise*, in *Annual Report of the American Historical Association*, 1893, pp. 251–297 (1894); Lucien Carr, *Missouri*, chaps. vii.–viii.

CHAPTER XXXIII.

1823–1825.

THE MONROE DOCTRINE.

Policies of Washington, Adams and Jefferson — Formation of the "Holy Alliance" — The downfall of Liberalism — The quadruple treaty and the congress at Aix-la-Chapelle — Sympathy of the Americans — Monroe's policy — The rise of Liberalism in Europe — The meeting at Troppau — The revolution in Spain — Clay's speeches regarding the South American struggle — Action of Congress respecting recognition — Protest of the Spanish minister and Adams' reply — Cabinet discussions of the South American situation — The congress at Verona — England's attitude toward recognition — Advice of Jefferson and Madison — Opinions of the Cabinet members — Monroe's message enunciating the Doctrine — Reception accorded the message — Clay's attitude.

The refusal of Great Britain to come to an agreement regarding the Oregon boundary may be ascribed in part to her denial of Monroe's principles of colonization. In 1793, when France declared war on Great Britain, the United States was called upon to decide what part she would play in European politics. To France the United States was bound by ties of gratitude and by treaties of amity and commerce and of alliance. With

Great Britain there was no treaty of amity and commerce, nor was the country bound by ties of gratitude. But Washington refused to be swayed by sentiment and, taking the politic course, issued his proclamation of neutrality. For this, as we have seen, he was roundly denounced, but he held fast to his purpose, and upon retiring from office reasserted the policy of maintaining ourselves free from further European entanglements, stating in his Farewell Address his reasons for taking this position.*

The wisdom of Washington's policy was proven by the expulsion of Pinckney from France, by the course of the Directory in respect to the X. Y. Z. mission, and by the naval war with France, etc.† In his address to Congress, May 16, 1797, President Adams said:

"Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events and of the political projects in contemplation is no less necessary than if we were directly concerned in them. It is necessary, in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which never can be forgotten or neglected." *

On more than one occasion Jefferson endorsed Washington's policy. In his inaugural address, on March 4, 1801, he said:

"Kindly separated by Nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our industry, to honor and confidence from our fellow citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter — with all these blessings, what more is necessary to make us a happy and prosperous people? * * * It is proper you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its administration, * * * peace, commerce, and honest friendship with all nations, entangling alliances with none." †

On March 18, 1801, he wrote to Thomas Paine:

"Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the powers of Europe, even in support of principles which we mean to pursue. They have so many other interests different from ours that we must avoid being entangled in them." ‡

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* See Volume iv., p. 305 of this History and the references for text on p. 290 of same volume.

† Moreover, Congress recognized the necessity of giving legal force to the principles of Washington's proclamation of neutrality and on June 5, 1794, passed a neutrality act, which was continued by the act of 1797, and made permanent by the act of 1800. See Snow, *Treaties and Topics in American Diplomacy*, pp. 248–249.

* Richardson, *Messages and Papers*, vol. i., p. 238.

† *Ibid*, vol. i., p. 323.

‡ Washington's ed. of Jefferson's *Works*, vol. iv., p. 370.

On October 3, 1801, he wrote to William Short:

"We have a perfect horror at everything like connecting ourselves with the politics of Europe. It would indeed be advantageous to us to have neutral rights established on a broad ground; but no dependence can be placed in any European coalition for that. They have so many bye-interests of greater weight, that some one or other will always be bought off. To be entangled with them would be a much greater evil than a temporary acquiescence in the false principles which have prevailed. * * * The interest which European nations feel, as well as ourselves, in the mutual patronage of commercial intercourse, is a sufficient stimulus on both sides to insure that patronage. A treaty contrary to that interest renders war necessary to get rid of it." *

When Jefferson uttered these words Napoleon was fast accomplishing the pacification of Europe. In December of 1803 the Napoleonic wars were on and again the United States was compelled to declare her position toward Europe. In his annual message of October 17, 1803, Jefferson again asserted the principle of entangling alliances with none, saying: "Separated by a wide ocean from the nations of Europe and from the political interests which entangle them, together with productions and wants which render our commerce and friendship useful to them and theirs to us, it cannot be the interest of any to assail us nor ours to disturb them." †

Thus the principle that we would not meddle in European affairs had several times been announced. Before the days of the long Embargo and our struggle for commercial independence, the principle that European nations must not become entangled in the affairs of the New World was called forth when Spain attempted to reëstablish her power in America. After the abdication of Napoleon in 1815, Alexander of Russia attempted to persuade his fellow monarchs to rule in accordance with Christian principles (as the monarchs themselves interpreted them). In order to accomplish this more easily, the Czar persuaded Frederick William of Prussia and Emperor Francis of Austria to join him in a league, called the "Holy Alliance," and to sign a treaty the purpose of which is commonly supposed to have been to stamp out liberal ideas and to overthrow constitutional government.* Considering themselves "Delegates of Providence," these monarchs intended "to govern so many branches of the same family according to the teachings of Christ, who should be their guide in establishing human institutions and remedying their imperfections." When the Alliance had been formed, all the Christian powers of Europe, save the Pope, were invited to join it. France, Spain, Naples, and Sardinia gladly signed the treaty, but England, considering Alexander's mind unsound, excused herself.† The chief in-

* Washington's ed. of Jefferson's *Works*, vol. iv., p. 414.

† Richardson, *Messages and Papers*, vol. i., p. 361. See also Gilman, *Life of Monroe*, p. 162 *et seq.*

* Henderson, *American Diplomatic Questions*, pp. 306–307. The text will be found in Chadwick, *Relations of the United States and Spain*, pp. 157–158, notes; Snow, *Treaties and Topics in American Diplomacy*, pp. 243–245.

† McMaster, vol. v., p. 32.

terest attaching to this Holy Alliance is the fact that to it have been wrongfully attributed results which sprang from the quadruple treaty signed March 25, 1815 (and reaffirmed, with some additions, November 20, 1815) by Great Britain, Austria, Russia, and Prussia. This new alliance was formed to exclude Napoleon from power forever, to maintain the government recently established in France, to resist any attack on the army of occupation, and to meet in 1818 to devise such measures as would best conserve European peace and happiness.*

Prior to 1818, however, a reaction had set in and liberalism was checked. Absolutism again become fashionable, and before long the members of the Holy Alliance were hard at work stamping out popular government. Austria was the centre of the reactionary movement, beginning the work in Naples under Metternich. Ferdinand, King of Sicily, had been compelled in 1813 to promise a constitution to Naples, but after his restoration to the throne by the allies, Metternich persuaded him to sign a treaty forbidding the introduction of liberal ideas and promising to maintain the kingdom in its present condition.† Ferdinand adhered to his promises and constitutional government in Sicily and Naples failed. The reaction in Spain was popular. When Ferdinand VII. crossed the Pyrennes in 1814 a burst of loyalty swept over that country. The king was urged to restore past conditions, to overthrow the Constitution, and to set up the old monarchy. Little urging was required, and on May 11, 1814, a manifesto was issued destroying the constitution of 1812 * and declaring the decrees of the Cortes null and void. The censorship of the press was then restored and a number of liberal leaders were arrested. Mobs began to appear in various parts of the country, and those who had been instrumental in establishing the constitution were imprisoned. Great Britain protested, but the king was under the influence of palace favorites, priests and confessors, and the ignoble work continued. The monasteries were reëstablished, the clergy were exempted from taxation, and later the Spanish Inquisition was put into operation.†

The reaction in France broke out with great fury after the battle of Waterloo. At Marseilles a royalist mob sacked the quarters of the Mamelukes, drove out the garrison, and murdered the citizens. Nimes was pilaged. At Avignon Marshal Brune was murdered, and at Toulouse General Ramel was assassinated. A new proscription and a new emigra-

* Henderson, *American Diplomatic Questions*, p. 306; Snow, *Treaties and Topics in American Diplomacy*, pp. 237–238. See also the "Declaration" in *Niles' Register*, vol. viii., pp. 159–160.

† Henderson, p. 309.

* This constitution will be found in *Niles' Register*, vol. xviii., pp. 196–212.

† McMaster, vol. v., pp. 33–34; Henderson, *American Diplomatic Questions*, p. 309.

tion began after the Chamber of Deputies was chosen. Ney was shot, Labédoyère was executed, royalist committees sprang up in every department, and thousands of Liberalists were driven away. On May 22, 1815, Frederick William had promised that Germany should have a constitution and a representative assembly, but two years had passed before the work was begun, and then it was too late, for the reaction had come and the only defenders of the constitution were the journalists, the professors and students of the universities; and in 1817 Frederick William began to doubt the expediency of granting the promised liberty. Alexander of Russia, however, adhered to his promises, and erected the Duchy of Warsaw into the Kingdom of Poland, gave it a constitution and a representative assembly, and in the spring of 1818 summoned the Diet. The speech made to this body stamped Alexander as a most advanced Liberal; yet, before the end of the session, a great change was noticeable. In October of 1818, when he met the sovereigns and ministers at the conference of the powers, some influence was brought to bear on him which greatly changed his attitude toward Liberalism, and he became and remained a despot until he died.

The quadruple treaty signed by England, Austria, Prussia, and Russia in 1815 bound these nations to maintain the government set up in France and to hold a congress of the powers in 1818. In the fall of that year they met at Aix-la-Chapelle, where the "Conspiracy of Kings" was formulated.* The allies declared that the tranquillity of Europe depended largely upon their united action and watchfulness and that they had "no other object than the maintenance of peace, and the guarantee of those transactions on which the peace was founded and consolidated. * * * The repose of the world will be constantly our motive." † The reactionary movement of the three previous years had extinguished in their breasts the last trace of Liberalism, and all stood together on the common ground of hatred of popular liberty. It was this conference which turned the Holy Alliance into a mutual association for the regulation of European politics.‡ The Emperor of Russia was disappointed because the treaty was not more definite, he having desired an "explicit, universal, and reciprocal guarantee." Its very vagueness and harmlessness appealed to the British cabinet, who feared there might be something in these acts which would be difficult to explain in Parliament. Canning was opposed to the whole scheme of the European

* Chadwick, *Relations of the United States and Spain*, pp. 160–163. See also Gallatin's *Writings*, vol. ii., pp. 87–88, 90–93.

† Snow, *Treaties and Topics in American Diplomacy*, p. 238.

‡ Henderson, *American Diplomatic Questions*, p. 310.

alliance. Writing to Castlereagh, October 20, 1818, Bathurst said:

"He [Canning] does not consider the ninth article as having been generally understood to apply to any meetings except for the purpose of watching the internal state of France as far as it may endanger the public tranquillity. He thinks the system of periodical meetings of the four great powers, with a view to the general concerns of Europe, new, and a very questionable policy; that it will necessarily involve us deeply in all the politics of the continent, whereas our true policy has always been not to interfere except in great emergencies, and then with a commanding force. He thinks that all other states must protest against such an attempt to place them under subjection; that the meetings may become a scene of cabal and intrigue; and that the people of this country may be taught to look with jealousy for their liberties, if our court is engaged in meetings with great despotic monarchs, deliberating upon what degree of revolutionary spirit may endanger the public security, and therefore require the interference of the alliance."

Almost immediately upon the consummation of this compact action became imperative. For several years past the Spanish colonies in America had been in a state of revolt and every repressive measure had proven abortive.* When the nation was exhausted by the struggle, Ferdinand turned to the European sovereigns for aid in the expectation that, as they had restored to him his throne, they would also restore him his colonies. Great Britain was requested to undertake the work of subjugation single-handed, but refused to do more than mediate. Alexander finally came to the relief of Ferdinand and sold him a fleet (five ships of the line and three frigates, costing $10,500,000), but on reaching Cadiz, the ships were found to be so rotten and unseaworthy that not one was fit to cross the Atlantic.* Hence the expedition was put off, and when the congress met at Aix-la-Chapelle the condition of the people was laid before the sovereigns. It was proposed that a conference between Spain and the powers should be held at Madrid and that Wellington should preside; but as Spain wanted troops, not advice, this proposition was rejected.

It was only natural that the people of America should sympathize with the Spanish colonies in their struggle for independence; and when it became evident that the chief object of Spain was not to put down the rebellion, but to stamp out liberal ideas, the people of the United States could not witness the gallant struggle with indifference. When Monroe delivered his inaugural address on March 4, 1817, he voiced the sentiment of a large portion of the American people when he said:

"Dangers from abroad are not less deserving of attention. Experiencing the fortunes of other nations, the United States may again be involved in war, and it may, in that event, be the object of the adverse party to overset our government, to break our union, and to demolish us as a nation. Our distance from Europe and the just, moderate and pacific policy of our government may form some security against these dangers, but they ought to be anticipated and guarded against."†

Until an attack was made, however, it was our policy to maintain strict

* Schouler, *United States*, vol. iii., p. 25 *et seq.*

* Chadwick, *Relations of the United States and Spain*, p. 166.

† Richardson, *Messages and Papers*, vol. ii, p. 7.

neutrality, and in all his annual messages Monroe reiterated this principle.* Even when it became known that Spain would ask the Holy Alliance to aid her, the President, unable to believe that force would be used, still clung to non-intervention, saying in his message of November 16, 1818:

"It appears that the allies have undertaken to mediate between Spain and the South American provinces, and that the manner and extent of their interposition would be settled by a Congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceedings observed by the allied powers in regard to this contest, it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. * * * From the views taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course hitherto pursued by the United States with regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs."†

The Alliance, however, left Spain to manage her colonies in her own way, and in the summer of 1819 a so-called army was organized to be sent to America, but before it could set sail yellow fever broke out and the troops were sent to encampment. While there they were won over to the cause of constitutional government, and early in January of 1820 revolted and refused to embark.‡

* Richardson, *Messages and Papers*, vol. ii., *passim*. See also Henderson, *American Diplomatic Questions*, pp. 302–303.

† Richardson, *Messages and Papers*, vol. ii., p. 44; *Annals of Congress*, 15th Congress, 2d session, pp. 15–16; Benton, *Abridgment*, vol. vi., p. 182.

‡ Snow, *Treaties and Topics in American Diplomacy*, p. 240. See also the letters in *Niles' Register*, vol. xviii., pp. 1–2.

This rebellion in itself was of small consequence, but it stirred up others, and on February 20 the garrison and people of Corunna proclaimed the constitution.* Town after town followed their example, and finally, in great alarm, Ferdinand announced his willingness to assemble the Cortes. The people, however, mistrusted him and, filling the great squares of Madrid, clamored for the immediate establishment of the constitution. The king then receded from his position and agreed to take the oath to support the constitution. On March 8 the prison of the Inquisition was sacked, the political prisoners set free, and the instruments of torture broken to pieces. On the 9th the king's palace was entered by a mob, the king was forced to make good his promise, and constitutional government was again a fact in Spain. The members of the Holy Alliance were uncertain as to the proper policy. Alexander believed that the powers should compel the Cortes to disavow the revolution and pledge their obedience to the king. England refused to join in such a move, and the first attack on Spanish liberty by the Alliance was postponed.

Liberalism now began to rise throughout Europe. In Naples the Carbonari began an armed rebellion, forced Ferdinand to proclaim the constitution of Spain as the supreme law of the two Sicilies, and in July

* McMaster, vol. v., pp. 37–38.

of 1820 he took the oath to support it.* In September of 1820 the regency of Portugal was deposed and a Cortes elected to frame a constitution.† It seemed not unlikely that France, too, would throw off the yoke of absolutism, but King Louis requested another meeting of the powers, and on October 9, 1820, the Emperor of Austria, the Czar of Russia, and the King of Prussia, and an ambassador from England met in the little town of Troppau in Moravia. Two envoys were sent by France, but they soon began to quarrel and the influence of France counted for nothing. The English ambassador had been instructed to take no part in the proceedings, but merely to look on,‡ and thus the three founders of the Aliance were free to act as they pleased.‖ Hence they agreed to send a summons through Ferdinand that the Neapolitans should abandon their constitution or fight, and a circular letter was sent to the courts of Europe calling attention to the danger and wickedness of these rebellions and explaining and defending the new doctrine of armed intervention.§ As Naples presented the greatest danger, it was decided to act against her first. The deliberations were transferred to Laybach, where the final arrangements were made to intervene in Neapolitan affairs.* In accordance with the summons of the Alliance and with the consent of the Neapolitan parliament, King Ferdinand went to Laybach in January of 1821. Upon his arrival he was informed that, unless the existing order of things was abolished immediately, the Austrian army would be sent against Naples.† The Neapolitan parliament refused to consider such action and ordered preparations to be made for defending the State.‡ The people rushed to arms and, joined by the army, clamored for the constitution.‖ Ferdinand abdicated on January 28, 1821, and returned to Sicily,§ but an army of 85,000 Austrians entered Naples on March 23, 1821, crushed the republican uprisings throughout the country, and restored Ferdinand to the throne.¶ On May 12, 1821, before the three monarchs separated, they issued a circular letter declaring that, as they had "taken the people of Europe under their holy keeping," henceforth all "useful and necessary changes in the legislation and administration of states must emanate alone from

* *Niles' Register*, vol. xix., pp. 24–25, 45–46.

† *Ibid*, vol. xix., pp. 95, 141, 151, 201.

‡ Chadwick, *Relations of the United States and Spain*, pp. 170–171.

‖ Henderson, *American Diplomatic Questions*, p. 311.

§ Chadwick, *Relations of the United States and Spain*, p. 171; *Niles' Register*, vol. xx., p. 31.

* Snow, *Treaties and Topics in American Diplomacy*, p. 240.

† Chadwick, p. 172.

‡ See the "Declaration" in *Niles' Register*, vol. xx., p. 149.

‖ *Niles' Register*, vol. xx., p. 151.

§ The text of his abdication is in *Niles' Register*, vol. xx., p. 170.

¶ *Niles' Register*, vol. xx., pp. 188–189, 221–223; Snow, *Treaties and Topics in American Diplomacy*, p. 241.

the free will, the reflecting and enlightened impulse of those whom God has rendered responsible for power."*

In March of 1820 the success of the revolution in Spain became known in the United States, and the news caused great delight. The struggle of the South American republics† became more and more popular in the United States and found no warmer champion in the country than Henry Clay. He did more, perhaps, than any one else to arouse a sentiment in their favor and to bring about their early recognition by the United States. Clay expressed his sympathy with the South American republics in the House of Representatives in January of 1816 and again in his speech on the Neutrality bill on January 24, 1817; but his greatest speech on this subject was that on the "Emancipation of South America," delivered on March 24, 1818. In the autumn of 1817 Monroe had appointed three commissioners to obtain information respecting the Spanish-American colonies.‡ On March 24, 1818, when the bill appropriating money for the expenses of this commission came up in Congress, Clay offered an amendment providing an additional sum for one year's salary and an outfit to a minister to the United Provinces of Rio de la Plata,* asserting that there was "no question in the foreign policy of this country, which has ever arisen, * * * in the decision of which we have had or can have so much at stake"—meaning the establishment of the independence of South America.† Though this amendment was rejected by a vote of 115 to 45, Clay introduced a resolution in the House on April 4, 1820, and on May 10 carried it by a vote of 80 to 75.‡ This resolution was as follows:

> "That it is expedient to provide by law a suitable outfit and salary for such Minister or Ministers as the President, by and with the advice and consent of the Senate, may send to any of the governments of South America which have established and are maintaining their independence of Spain."‖

Monroe sent no such ministers, as he wished to give Ferdinand no excuse to withhold his signature from the treaty of 1819, then before that monarch for ratification. But Clay was not to be swerved from his purpose, and on February 6, 1821, moved that an appropriation be made to

* *Niles' Register*, vol. xx., pp. 313–367; Henderson, *American Diplomatic Questions*, p. 312; Schouler, *United States*, vol. iii., p. 279.

† For details of which see F. L. Paxson, *Independence of the South American Republics*, (1903).

‡ These were Cæsar A. Rodney, Theodorick Bland, and John Graham. See Schouler, *United States*, vol. iii., p. 28.

* Schouler, vol. iii., pp. 32–33.

† For the speech see Colton, *Life of Clay*, vol. i., p. 216 *et seq.; Niles' Register*, vol. xiv., pp. 121–130. For Forsyth's speech see *Niles*, vol. xiv., pp. 156–165. For the entire debate see *Annals of Congress*, 15th Congress, 1st session.

‡ *Annals of Congress*, 16th Congress, 1st session, pp. 1781, 2223–2230; Chadwick, *Relations of the United States and Spain*, p. 152.

‖ Snow, *Treaties and Topics in American Diplomacy*, p. 256.

send a minister or ministers to South America.* This resolution was defeated on February 9 by a small majority (86 to 79),† and then he brought up another resolution that the House share with the people of the United States in the deep interest they felt for the Spanish provinces in their struggle for independence and liberty, and that when the proper time came to recognize the sovereignty and independence of any one of them, the House would give such a measure its support. As the treaty with Spain had been ratified and as the passage of this resolution could do no harm, the House passed the first part of the resolution expressing sympathy by a vote of 134 to 12 and the second part tendering constitutional support by a vote of 87 to 68.‡ Monroe was not to be driven by Clay, however, and allowed a year to pass before (on March 8, 1822) he recommended recognition.||

Meanwhile the House had become weary with Monroe's dilatoriness and on January 30, 1822, passed a resolution requesting that the President submit all the information in his possession concerning political conditions in the Spanish provinces in South America and the state of the war between them and the mother country.* When he submitted the papers on March 8, 1822, the President gave a lengthy review of the revolts and declarations of independence, and expressed the opinion that the independence of these republics should be recognized. He suggested also that an appropriation be made for the expenses of ministers to those republics.† On April 26 a report from Adams was submitted giving other details of these events.‡ With but one dissenting vote, the House on April 11 concurred in Monroe's sentiments, and $100,000 was appropriated.|| On April 30 the Senate passed the bill§ and on May 4, 1822, it was signed by the President.¶ This act was universally approved, and greatly enhanced Clay's popularity.**

* *Annals of Congress*, 16th Congress, 2d session, pp. 1042–1055; Benton, *Abridgment*, vol. vii., pp. 93–94.

† *Annals*, pp. 1071–1077.

‡ *Annals*, pp. 1081–1092; Benton, pp. 95–100.

|| *American State Papers, Foreign Relations*, vol. iv., p. 819; Richardson, *Messages and Papers*, vol. ii., pp. 116–118; *Annals of Congress*, 17th Congress, 1st session, pp. 284–286. For the Spanish minister's protest and Adams' reply, see *American State Papers, Foreign Relations*, vol. iv., pp. 845–846.

* *Annals of Congress*, 17th Congress, 1st session, pp. 825, 828.

† Richardson, *Messages and Papers*, vol. ii., pp. 116–118; *Annals*, pp. 1238–1241.

‡ Richardson, p. 137. See also *Niles' Register*, vol. xxii., pp. 146–149.

|| *Annals*, pp. 1314–1321, 1382–1404, 1418–1421, 1444, 1447–1449, 1518–1526, 1530; Schouler, *United States*, vol. iii., p. 257.

§ *Annals*, pp. 422–432.

¶ Chadwick, *Relations of the United States with Spain*, p. 155.

** The list of ministers appointed included Cæsar A. Rodney to Buenos Ayres, Richard C. Anderson, of Kentucky, to Buenos Ayres, and Heman Allen, of Vermont, to Chili. Andrew Jackson was selected upon Adams' advice for the Mexican post, but disdainfully refused the office. A minister arrived with credentials from Colombia, and the other South American govern-

Meanwhile the Cabinet had often discussed the South American situation and evidently Rush, who had become minister to England, was instructed to ascertain the intentions of the Alliance regarding South America. In an interview with Castlereagh, July 16, 1818, Rush learned that no plan had been matured, as difficulties had arisen with Spain. On July 31, however, Castlereagh informed Rush that an invitation to mediate had been received from Spain, but the conditions were very illiberal. While England approved in general, admitting Spain's supremacy, she demanded that the trade of the colonies be opened to the world with a reasonable preference to the mother country. Castlereagh then asked the American view and was informed by Rush that the United States desired the complete independence of the Spanish colonies and would not take part on any other basis.* In his messages of 1818 and 1819 Monroe recommended a continuance of the policy hitherto pursued respecting South America. In January 2, 1819, at a Cabinet meeting the President proposed that we inform Castlereagh of our intention soon to recognize Buenos Ayres. In May of 1819 Adams informed Poletica, the Russian diplomatic agent, that the United States would aid the South American colonies if European nations intervened.

"I related to him all that had been done by us concerning the South American question; told him we were convinced that Buenos Ayres at least would maintain her independence of Spain; that sooner or later they must be recognized as an independent power; that we had thought that the time would before now have arrived when they might justly claim this as a right, but from the time when we learnt that the allies had determined, that whatever might be the event of their mediation, not to use force against the South Americans, the president had concluded that we might also forbear to take an immediate, decisive part in their favor."

Adams wished the South American colonies success in their cause, but opposed close political or commercial relations with them, believing that the United States had nothing to gain thereby. Monroe had none of Clay's spirit and in his annual messages continued to express his sympathy with the South Americans. In his message of December 3, 1822, he took a little stronger ground than previously:

"When we see that a civil war of the most frightful character rages from the Adriatic to the Black Sea; that strong symptoms of war appear in other parts, proceeding from causes which, should it break out, may become general and be of long duration; that the war still continues between Spain and the independent governments, her late Provinces, in this hemisphere; that it is likewise menaced between Portugal and Brazil * * * and that a system of piracy of great extent is maintained in the neighboring seas * * *, the reasons for sustaining the attitude which we now hold and for pushing forward all our measures of defense with the utmost vigor appear to me to acquire new force.

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ments were informed that ministers or diplomatic agents would be received by the United States. See Schouler, *United States*, vol. iii., pp. 275–276. See also Monroe's message of December 2, 1823, in Richardson, *Messages and Papers*, vol. ii., p. 210.

* Snow, *Treaties and Topics in American Diplomacy*, pp. 258–259.

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity a generous support."*

Thus it is evident that the Monroe doctrine was not the creation of a moment; it did not spring into being suddenly in 1823. The idea and the principle had become familiar to the people and the policy was endorsed long before Monroe formulated it in his annual message of 1823.†

It was agreed upon the adjournment of the Congress at Laybach that another meeting should be held in 1822 at Verona. Lord Castlereagh was chosen as England's representative at the conference, and was instructed to inform the congress that England intended to send accredited agents to some of the South American republics and would resent any intervention by the Holy Alliance.‡ When the congress met at Verona in September, Castlereagh was dead and the Duke of Wellington was sent to represent England.‖ After an adjournment, the congress met in October of 1822, and on November 22, 1822, a secret treaty was signed by the representatives of Russia, Prussia, France and Austria. The first two articles were as follows:

"The high contracting powers, being convinced that the system of representative government is equally as incompatible with the monarchical principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

"As it cannot be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations, to the detriment of those Princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own states, but also in the rest of Europe.*

Spanish affairs were then taken into consideration. Some changes were demanded in the Spanish constitution, with the threat that if these changes were not made the French army, supported if need be by those of Austria, Prussia, and Russia, would invade Spain. The demand of the Alliance was refused, however, the Russian, Prussian, Austrian and French ministers withdrew in January of 1823,† and on April 7, 1823, the French army crossed the frontier into Spain.‡ By October all opposi-

* Richardson, *Messages and Papers*, vol. ii., p. 194.

† Schouler, *United States*, vol. iii., p. 290; Snow, *Treaties and Topics in American Diplomacy*, p. 265.

‡ Henderson, *American Diplomatic Questions*, pp. 312–314.

‖ Snow, *Treaties and Topics*, p. 241.

* Henderson, p. 314. The entire treaty is in Snow, pp. 245–246.

† Chadwick, *Relations of the United States and Spain*, pp. 176–177.

‡ On May 13, 1823, Albert Gallatin made the following remarkable announcement to Chateaubriand: "The United States would undoubtedly preserve their neutrality, provided it was respected, and avoid every interference with the politics of Europe. Even in the questions connected with South America they had not interfered, and, although their wishes were not doubtful, they had neither excited nor assisted the Spanish colonies. But, I had every reason to believe that, on the other hand, they would not, suffer others to interfere against the emancipation of America. If France was successful in her attack on Spain, and afterward attempted either to take possession of some of her colonies

tion of consequence had been overcome, the king had been restored to the throne, the constitution was swept away, and the great opportunity for Spanish progress was lost.*

The British foreign secretary, Canning, had received notice that when the affairs of Spain had been settled by the Alliance, the affairs of her former colonies would also be settled by the same.† In August of 1823, therefore, Canning proposed that the United States join England in a declaration that, though neither power desired the Spanish colonies for herself, European intervention in their affairs could not be regarded with indifference nor could their acquisition by a third party be tolerated.‡ Subsequently Rush, though he had no instructions regarding the matter, said that "we should regard as highly unjust and as fruitful of disastrous consequences any attempt on the part of any European power to take possession of them by conquest, by cession, or on any other ground or pretext whatsoever."* He promised that the United States would join England in the declaration, if that country would first acknowledge the independence of the Spanish republics.† This England refused to do, and the joint declaration was never made.‡

When Rush's letters were received by Monroe, the latter seems to have been much puzzled as to the proper course to pursue. In the joint declaration, would not the United States be forming one of the "political connections" which Washington had so severely denounced and one of the "entangling alliances" against which Jefferson had issued a warning? If the United States should make the declaration alone, would not the President be violating that policy of non-interference in the affairs of the colonies which he himself had advised in his annual messages and inaugural speeches?‖ He then turned to Jefferson for advice (October 17, 1823) and on the 24th received the following reply:

"The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation; this sets our compass and points the course which

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or to assist her in reducing them under their former yoke, I was of the opinion that the United States would oppose every undertaking of this kind."

* Snow, *Treaties and Topics in American Diplomacy*, p. 242; Schouler, *United States*, vol. iii., p. 282.

† Schouler, *United States*, vol. iii., p. 285.

‡ George F. Tucker, *The Monroe Doctrine*, p. 9; Stapleton, *Political Life of Canning*, vol. ii., p. 221; W. F. Reddaway, *The Monroe Doctrine*, pp. 44–45; Henderson, *American Diplomatic Questions*, pp. 316–318; Snow, *Treaties and Topics*, pp. 267–268; Moore, *American Diplomacy*, p. 146 *et seq.*

* Reddaway, *The Monroe Doctrine*, p. 46; Henderson, *American Diplomatic Questions*, p. 319.

† Reddaway, pp. 47–48; Schouler, *United States*, vol. iii., p. 286; Chadwick, *Relations of the United States and Spain*, pp. 187–189; Snow, *Treaties and Topics in American Diplomacy*, pp. 268–269.

‡ Henderson, *American Diplomatic Questions*, p. 320; Tucker, *The Monroe Doctrine*, p. 10.

‖ Henderson, p. 321.

we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; second, never to suffer Europe to intermeddle with cisatlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and particularly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be to make our hemisphere that of freedom." *

Madison, too, assured Monroe (October 30, 1823) that "there ought not to be any backwardness in meeting her in the way she has proposed." † Before the congress was to assemble in 1823, Monroe frequently consulted his secretaries as to the proper course of action. During November hardly a week went by but the Cabinet discussed the matter. Calhoun advised that Rush be given discretionary powers to join with Great Britain in the declaration referred to.‡ To this Adams objected and in his objection was supported by the President, who was "averse to any course which should have the appearance of taking a position subordinate to that of Great Britain." On November 13 Adams entered in his Diary:

"I find him yet altogether unsettled in his own mind as to the answer to be given to Canning's proposals, and alarmed far beyond anything that I would have conceived possible, with the fear that the Holy Alliance are about to restore immediately all South America to Spain. Calhoun stimulates the panic, and the news that Cadiz was surrendered to the French has so affected the President that he appeared entirely to despair of the cause of South America. * * *."*

Hence Monroe was ready to accept Calhoun's proposition to instruct Rush to act in conjunction with Canning "in case of any sudden emergency of danger." † A set of instructions was then drawn up and submitted to the Cabinet for examination. Adams insisted that if the United States must join Great Britain, the latter should first acknowledge the independence of the South American States, inasmuch as the United States had done so and therefore "had a right to object to the interference of foreign powers in the affairs of those territories." At this juncture Baron de Tuyl, the Russian minister, read to Adams some of the dispatches from Count Nesselrode, in which the latter spoke of the "passionate exultation" over the counter resolution in Portugal and the fall of popular sovereignty. Adams wished to make a firm and determined reply to these dispatches so that the European powers would "abstain from the attempt to spread their principles in

* Ford's ed. of Jefferson's *Writings*, vol. x., p. 315. See also Schouler, *United States*, vol. iii., p. 288; Reddaway, *The Monroe Doctrine*, p. 52; Henderson, *American Diplomatic Questions*, pp. 321–323.

† See the letter in Madison's *Works* (Congress ed.), vol. iii., pp. 339–341; Chadwick, *Relations of the United States and Spain*, pp. 193–194; Henderson, *American Diplomatic Questions*, pp. 323–324.

‡ Henderson, *American Diplomatic Questions*, p. 324; Snow, *Treaties and Topics in American Diplomacy*, pp. 275–276.

* Snow, *Treaties and Topics in American Diplomacy*, pp. 277–278.

† *Ibid*, p. 280.

the American hemisphere, or to subjugate by force any part of these continents to their will."* Accordingly Monroe incorporated in his draft of the forthcoming message to Congress a paragraph which thoroughly alarmed Adams, who considered it the cry of an alarmist and as breathing a defiance which was wholly unnecessary and likely to result in war.† Nevertheless Adams desired to issue some sort of a manifesto to Russia and on November 25 suggested a paragraph for the message which was intended to be

"a firm, spirited and yet conciliatory answer to all the communications lately received from the Russian Government, and at the same time an unequivocal answer to the proposals made by Canning to Rush. It was meant also to be eventually an exposition of the principles of this government, and a brief development of its political system, as henceforth to be maintained: essentially republican — maintaining its own independence, and respecting that of others; essentially pacific — studiously avoiding all involvements in the combinations of European politics, cultivating peace and friendship with the most absolute monarchies, highly appreciating and anxiously desirous of retaining that of the Emperor Alexander, but declaring that, having recognized the independence of the South American States, we could not see with indifference any attempt by European powers, by forcible interposition, either to restore the Spanish dominions on the American continents, or to introduce monarchical principles into those countries, or to transfer any portion of the ancient or present American possessions of Spain to any other European power." ‡

This suggestion met with considerable opposition in the Cabinet, Calhoun doubting the necessity or advisability of publishing "so ostentatious a display of republican principles."* Adams insisted upon a vigorous reply to Russia, but Monroe demurred, fearing that the rabid republicanism of such a document might estrange Great Britain, whose friendship in the impending crisis was essential. On the other hand, Monroe wished to score France and the Holy Allies for their interference in Spain and their contemplated interference in America.† Wirt did not believe that the Americans were sufficiently enthusiastic for the South American cause to fight their battles and he questioned the properity of issuing any menace whatever;‡ but Calhoun supported the President, believing that the people would fight rather than permit the subjugation of the Spanish colonies by the Allies. Calhoun, however, did not favor Adams' manifesto to Russia, but Wirt gave full approval.‖ Finally, after much wrangling, and almost at the last moment, the President seems to have adopted the changes so urgently insisted upon by Adams, and on December 2, 1823, the message was sent to Congress.§

* Henderson, *American Diplomatic Questions*, p. 326. See also *Memoirs of John Quincy Adams*, vol. vi., pp. 178, 194, 197, 199–212.

† Snow, p. 281.

‡ Snow, p. 284.

* Henderson, *American Diplomatic Questions*, p. 328.

† *Ibid*, p. 329.

‡ Snow, *Treaties and Topics*, p. 285.

‖ Henderson, p. 330; Snow, p. 287. See also Chadwick, *Relations of the United States and Spain*, p. 199; Reddaway, *The Monroe Doctrine*, p. 54 *et seq.*

§ Richardson, *Messages and Papers*, vol. ii. pp. 207–220; *Annals of Congress*, 18th Congress,

In his message Monroe asserted that amicable negotiations were in progress with Russia and England to settle their respective rights and interests on the northwest coast. "In the discussion as to this interest [the rights of the United States on the northwest coast of America] has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization of any European powers." Toward the end of the message Monroe set forth the great doctrine known by his name.* In speaking of the efforts made in Spain and Portugal to improve the conditions of the people of those nations, he said:

"Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellowmen on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defence. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judg-

2d session, pp. 12–24; Benton, *Abridgment*, vol. vii., pp. 466–471; Henderson, *American Diplomatic Questions*, pp. 333–336; *Niles' Register*, vol. xxv., pp. 214–220.

* Regarding the authorship of the doctrine see Reddaway, *The Monroe Doctrine*, chap. v. He claims that Adams was largely responsible for it. See also the diary of William Plumer, quoted in *Pennsylvania Magazine of History and Biography*, vol. vi., p. 358; Schouler, *United States*, vol. iii., p. 292, note; W. C. Ford, *John Quincy Adams: His Connection with the Monroe Doctrine*, in *Proceedings of the Massachusetts Historical Society*, series ii., vol. xv., pp. 323–346 (1902) and in *American Historical Review*, vol. vii., pp. 676–696 and vol. viii., pp. 28–52; James Schouler, *The Authorship of the Monroe Doctrine*, in *Annual Report of the American Historical Association* for 1905, pp. 123–131 (1906), and in *The Independent*, vol. lx., pp. 619–624 (1906); William F. McCormack, *The Evolution of the Monroe Doctrine*, in *The Xavier*, vol. xvi., pp. 366–378; William L. Scruggs, *The Monroe Doctrine — Its Origin and Import*, in *North American Review*, vol. clxxvi., pp. 185–199.

ment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security.

"The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course."

In brief, the Monroe doctrine stated that there should be no more European colonies on either of the American continents, that the United States would not interfere in the internal affairs of any of the European powers, and that if any European power attempted to extend its political system to any part of the Western Hemisphere for the purpose of oppressing the nations, or in any other manner controlling their destiny, the United States would interfere. Monroe warned the Holy Allies that any attempt on their part to violate the doctrine would be considered "dangerous to our peace and safety, and a manifestation of an unfriendly disposition toward the United States." *

The English people hailed Monroe's doctrine with great delight and loudly praised the firm stand taken by the President.† Mr. Brougham said: "The question with regard to South America is now disposed of, or nearly so; for an event has recently happened, than which no event has ever dispersed greater joy, exultation, and gratitude, over all the freemen of Europe; that event which is decisive on the subject is the language held with respect to South America in the speech or message of the President of the United States to the Congress." ‡ Madison wrote to Monroe on December 6, 1823, that "the contents of the message will receive a very close at-

* Henderson, *American Diplomatic Questions*, p. 337.

† Chadwick (*Relations of the United States and Spain*, pp. 202–204), says the only dissentient in England was Canning. See also Reddaway, *The Monroe Doctrine*, p. 89 *et seq.*; Henderson, *American Diplomatic Questions*, p. 338 *et seq.* *Niles' Register* (vol. xxv., p. 410) gives excerpts from the foreign newspapers.

‡ Canning said that the European Congress "was broken in all its links before, but the president's message gives it the *coup de grace*."—Stapleton, *George Canning and His Times*, p. 395.

tention everywhere, and that it can do nothing but good everywhere." It is true that many condemned Monroe and asserted that he must either back down or fight, but these men were in the minority and approval was general. To France and Prussia the message gave great offence.* The whole subject of European interference in Spanish America was dealt a death blow by England's discountenance, for, unable to bring Rush to a joint declaration, Canning warned France that if force were used or British commerce molested in the effort to subjugate the Spanish colonies, England would declare their independence.† Clay was so carried away with enthusiasm that on January 20, 1824, he introduced into the House a resolution:

"That the people of [the United States] would not see, without serious inquietude any forcible intervention of the allied powers of Europe in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent governments, and which have been solemnly recognized by the United States." ‡

In May of 1824 Clay said that he had introduced this resolution because of the information disclosed in the President's message, and under the belief that an attack on Spanish America was meditated by the Holy Allies; but, as it was now clear that such was not the intention of the Allies, to pass such a resolution might be construed by them as unfriendly, if not offensive. Hence he would not press the resolution, but "would allow it to sleep where it now reposes —on the table."* For this act Clay has been accused of abandoning the Monroe Doctrine, but it is evident that he acted from political necessity, for when he became Secretary of State under Adams he instructed Joel R. Poinsett, minister to Mexico, to "urge upon the government of Mexico the utility and expediency of asserting the same principle on all proper occasions."† Thus, when a French fleet appeared off our coast and apparently was about to invade and seize Cuba and Porto Rico, Mexico called upon the United States to fulfill Clay's words, and "the memorable pledge of the President of the United States in his message to Congress, of December, 1823." Clay acceded to the request, instructed our minister at Paris to notify France "that we would not consent to the occupation of those islands by any other European power than Spain under any circumstances whatever," and bade Mr. Poinsett inform the Mexican government of what had been done.‡

* Reddaway, *The Monroe Doctrine*, pp. 93–94.

† Schouler, *United States*, vol. iii., p. 293.

‡ *Annals of Congress*, 18th Congress, 1st session, p. 1104; Henderson, *American Diplomatic Questions*, p. 340; Snow, *Treaties and Topics in American Diplomacy*, p. 294; Tucker, *The Monroe Doctrine*, p. 21.

* *Annals*, pp. 2763–2764.

† *Niles' Register*, vol. xxx., pp. 94–95.

‡ McMaster, vol. v., pp. 52–54. D. C. Gilman, in his *Life of James Monroe*, gives an extensive bibliography of works relating to the various phases and applications of the Monroe Doctrine. For other views and applications see Sydney

CHAPTER XXXIV.

1824–1825.

THE ELECTION OF JOHN QUINCY ADAMS.

Break-up of the Republican party — Jackson's nomination — The "A. B. Plot"— New England's sentiment for Adams — Pennsylvania's support of Jackson — Crawford and Gallatin — The struggle in New York — Clay's position — Kremer's charge — Adam's election by the House.

It was evident that new political combinations were forming in the United States. Hitherto the politicians had been divided over the questions of protection, the right of Congress to superintend internal matters, etc. But now new issues, new questions, and new points of view presented themselves. Naturally, new leaders came to the fore. That Monroe was unanimously elected in 1820 had no significance,

Brooks, *Some Aspects of the Monroe Doctrine*, in *Fortnightly Review*, vol. lxxvi. (N. S. vol. lxx.), pp. 1013–1026; Edward Stanwood, *The Moral Aspects of the Monroe Doctrine*, in *The Outlook*, vol. lxx., pp. 371–374 (1902); Paul S. Reinsch, *The Positive Side of the Monroe Doctrine*, in *The Independent*, vol. lv., pp. 9–11; Sir A. E. Miller, *The Monroe Doctrine from an English Standpoint*, in *North American Review*, vol. clxxvi., pp. 728–729; Ralph C. Ringwalt, *The Monroe Doctrine*, in his *Briefs on Public Questions* (1905); A. Alvarez, *The Monroe Doctrine at the Fourth Pan-American Conference* (1911); James B. Angell, *The European Concert and the Monroe Doctrine*, in *Harvard Graduates Magazine*, vol. xiv., pp. 13–24 (1905); Harold Bolce, *The Commercial Side of the Monroe Doctrine; Its Relation to the Pan-American Programme at Rio Janeiro*, in *Appleton's Magazine*, vol. viii., pp. 52–57 (1906); Julius Chambers, *The Monroe Doctrine in the Balance* (1911); J. Chetwood, *Manila or Monroe Doctrine?* (1898) and *Monroe Doctrine Repeal and Our Next War*, in *The Arena*, vol. xxiii., pp. 247–253; A. B. Hart, *The Monroe Doctrine and the Doctrine of Permanent Interest*, in *American Historical Review*, vol. vii., pp. 77–91 (1907); Hart, *The Monroe Doctrine in its Territorial Extent and Application*, in *Proceedings of the U. S. Naval Institute*, vol. xxii., pp. 753–800 (1906); *Is the Monroe Doctrine a Bar to Civilization? By an American Business Man*, in *North American Review*, vol. clxxvi., pp. 518–529; Francis B. Loomis, *The Position of the United States on the North American Continent — Some Phases of the Monroe Doctrine*, in *Annals of the American Academy of Political and Social Science*, vol. xxii., pp. 1–19 (1903); John Macdowell, *South American Republics and the Monroe Doctrine*, in *The Nineteenth Century and After*, vol. liii. pp. 587–598; Daniel Mills, *The Monroe Doctrine and the Inter-Oceanic Canal*, in *Empire Review*, vol. ii., pp. 403–414 (1901); John B. Moore, *Non-Intervention and the Monroe Doctrine*, in *Harper's Magazine*, vol. cix., pp. 851–869; W. L. Scruggs, *British Aggression in Venezuela; or the Monroe Doctrine on Trial* (1895); George B. Waldron, *Our Dog in the Manger Policy in South America*, in *Chautauquan Magazine*, vol. xxxiv., pp. 469–474; W. H. Webb, *The Monroe Doctrine and the Control of the Isthmus Canal* (1881); Walter Wellman, *Shall the Monroe Doctrine Be Modified?* in *North American Review*, vol. clxxiii., pp. 832–844 (1901); James G. Whiteley, *The Monroe Doctrine and the Hay-Pauncefote Treaty*, in *The Forum*, vol. xxx., pp. 722–727; D. B. Castillo, *The New Monroe Doctrine*, in *North American Review*, vol. clxxx., pp. 592–601.

since precedent entitled him to another term; but hardly had he been sworn into office the second time when in all quarters of the country candidates were selected to succeed him at the expiration of his term. Late in December of 1821 the majority of the Republican members of the South Carolina legislature held a caucus and nominated William Lowndes for the Presidency, which action so alarmed the supporters of the Secretary of War that a delegation visited Calhoun and requested him to become a candidate. Accordingly, after Lowndes' death in November of 1822, the legislature nominated Calhoun.* In January of 1822 the *Nashville Gazette* broached the subject of Jackson's candidacy† and found such a hearty response that he was nominated by the Tennessee General Assembly on July 20, 1822.‡ On November 18, 1822, a caucus of Kentucky legislators assembled at Frankfort and nominated Henry Clay.‖ Jackson appeared to be just the man for the place, for his name was familiar to every voter in the land and his public services had been many and great. But while he was known far and wide as the greatest soldier in America, he was neither a statesman nor a politician in a National sense. For 32 years he had held office, civil or military; he had been territorial district attorney for Tennessee, member of Congress from the new State, Senator, Supreme Court judge, major-general of militia, major-general in the regular army, conqueror and governor of Florida. He had been known as the political "boss" of his State for some years, but from the time when he resigned the governorship of Florida he took little active interest in politics.* It was only his immense popularity which enabled the managers of his campaign to overcome the prejudice favoring nomination by Congressional caucus. Not content with this, however, two judges were persuaded to publish in the newspapers a series of articles attacking the caucus and justifying the propriety of legislative nomination. It seemed certain, too, that the electoral college would fail to elect a President, and that the duty of providing the chief magistrate for the country would fall on the House of Representatives. In that case it would be only natural that the members of the House should vote for the man they knew personally rather than for a man they knew only by reputation. An opportunity was then seized upon to put Jackson

* Hunt, *Life of Calhoun*, pp. 48–49; Jenkins, *Life of Calhoun*, pp. 154–155; Jervey, *Robert Y. Hayne*, pp. 125–129; Ravenel, *William Lowndes*, chap. x.

† Parton, *Life of Jackson*, vol. iii., p. 18.

‡ *Ibid*, p. 20; Sumner, *Life of Jackson*, p. 79; Schouler, *United States*, vol. iii., p. 271; McMaster (vol. v., p. 57) says August.

‖ Sargent, *Life of Clay*, p. 102; Schurz, *Life of Clay*, vol. i., p. 228; Clay, *Life of Clay*, p. 136; Stanwood, *History of Presidential Elections*, p. 80; *Niles' Register*, vol. xxiii., p. 245.

* Buell, *History of Andrew Jackson*, vol. ii., p. 155 *et seq.* See also Schouler, *United States*, vol. iii., p. 62 *et seq.*

in the company of Congressmen, and in December of 1823 he took his seat as one of the Senators from Tennessee.*

The nomination of Jackson caused widespread enthusiasm, particularly in the West. Early in January of 1823, at a meeting in Cincinnati, De Witt Clinton was nominated, and almost at the same time (January 3) the members of the Ohio legislature recommended Clay.† Jackson was publicly endorsed by numerous mass meetings, such as those at Louisville, Nashville, Pittsburg, and Philadelphia.‡ The supporters of the other candidates were not idle, and during the summer of 1823 the Kentuckians pledged their votes to Clay and the South Carolinians to Calhoun. In both South Carolina and North Carolina Calhoun was a great favorite, but in the latter State Crawford had great strength. The legislature of Georgia expressed a preference for Crawford, but only as the regular caucus candidate of the party. On February 14, 1824, a Congressional caucus was held with 66 members present and two absentees represented by proxies. Owing to the small attendance, an attempt was made to adjourn the meeting, but when a motion to this effect had been voted down, 68 votes were cast for the candidate, 64 of which were cast for Crawford, 2 for Adams and 1 each for Jackson and Nathaniel Macon. For the Vice-Presidency Albert Gallatin received 57 votes, while the rest were given to a number of other candidates.*

At this time an effort was made to break down Crawford by accusations of malfeasance in office. Some anonymous letters in a Washington newspaper over the initials "A. B." reflected upon Crawford's integrity, but their author was unknown until Ninian Edwards, then on his way to his post as minister to Mexico, on April 6, 1824, wrote a letter to the Speaker of the House avowing the authorship, submitting new matter upon which to base impeachment proceedings against Crawford and asking an investigation. Edwards was brought back to Washington, the investigation was made, and Crawford was exonerated. Hence, the "A. B. Plot," as it was called, failed in its design.†

* Sumner, *Life of Jackson*, p. 76; Buell, *History of Andrew Jackson*, vol. ii., p. 161 *et seq.*; Parton, *Life of Jackson*, vol. iii., p. 22.

† Stanwood, *Presidential Elections*, pp. 80–81; *Niles' Register*, vol. xxiii., p. 342.

‡ McMaster, vol. v., pp. 58–59; *Niles' Register*, vol. xxv., p. 167.

* Sumner, *Life of Jackson*, pp. 85–86; Stanwood, *Presidential Elections*, p. 83; Schouler, *United States*, vol. iii., p. 307; Parton, *Life of Jackson*, vol. iii., pp. 27–28; *Niles' Register*, vol. xxv., pp. 388–392.

† Schouler, *United States*, vol. iii., p. 309. See also *Annals of Congress*, 17th Congress, 2d session, *passim* under "Suppression of Public Documents." Edwards' letter of April 6 is in *Annals*, 18th Congress, 1st session, pp. 2431–2450, and in part in Benton, *Abridgment*, vol. viii., pp. 37–38. For the investigation see *Annals*, pp. 2450–2915. See also *American State Papers, Finance*, vol. v., pp. 1–145; *Niles' Register*, vol. xxiv., pp. 4–6; and vol. xxvi., pp. 140–149, 181–191, 273–274, 290–295, 302–323.

On February 15, 1824, at a mass meeting at Faneuil Hall (Boston), John Quincy Adams was selected to uphold the dignity of the Presidency, and all New England endorsed this nomination.* Ohio nominated Adams while New Jersey chose seven Jackson men and one Crawford man. In the latter State the Convention of delegates, before proceeding to business, adopted a rule that no delegate pledged to support any candidate should be seated; and as this shut out the Adams men, they organized by themselves and framed an Adams ticket. In December of 1823, at a meeting of citizens in Steubenville, Ohio, De Witt Clinton was nominated for the Presidency and Andrew Jackson for the Vice-Presidency.† Adams had no following in Pennsylvania, and at a convention held at Harrisburg, on March 4, Jackson was nominated by a vote of 124 to 1, while Calhoun was selected for the Vice-Presidency.‡ The sentiment for Jackson in Pennsylvania was still strong, chiefly because of his services in the late war, in the Indian campaign of 1813 and in the Seminole War.‖ Some of the members of the Virginia legislature nominated Clay because he had been born and bred in that State. In East Tennessee Jackson was favored, while in Maryland the people declared for an Adams-Jackson ticket. In Mississippi the convention nominated both Adams and Jackson, while Alabama was a Jackson stronghold. Save Virginia, no State had declared for Gallatin, while only South Carolina wanted to see Calhoun President. Calhoun therefore had little chance of election. Nevertheless the endorsement of Calhoun for the Vice-Presidency by Jackson and Adams men throughout the South brought him into prominence as a candidate for the Vice-Presidency, and he therefore became the choice of the Republicans for that office.* When they saw the name of the Secretary of War on the Jackson and Adams tickets, friends of Crawford attempted a like fusion of the supporters of Crawford and Clay. In September the Speaker was offered second place, which was declined. The Republican leaders then requested Gallatin to withdraw, because in North Carolina, Virginia, Maryland, Delaware, New Jersey, and New York the belief was prevalent that Calhoun would be chosen

* *Niles' Register*, vol. xxv., pp. 340 *et seq.*, 360.

† *Ibid.*, vol. xxv., p. 243.

‡ Parton, *Life of Jackson*, vol. iii., p. 29; *Niles' Register*, vol. xxvi., pp. 19–20; Sumner, *Life of Jackson*, p. 87; Schurz, *Life of Clay*, vol. i., pp. 225–226; Hunt, *Life of Calhoun*, p. 51; Schouler, *United States*, vol. iii., p. 311.

‖ Jefferson, however, seems to have been alarmed at the sentiment in favor of Jackson. Writing to Webster, he says: "I feel very much alarmed at the prospect of seeing General Jackson President. He is one of the most unfit men I know of for the place. He has had very little respect for laws or constitutions, and is, in fact, an able military chief. His passions are terrible. * * * He has been much tried since I knew him, but he is a dangerous man."—Fletcher Webster, *The Private Correspondence of Daniel Webster*, vol. i., p. 371.

* Hunt, *Life of Calhoun*, p. 51.

Vice-President by the electors, and because Gallatin's elimination might better Crawford's chance of election. Gallatin therefore sent his resignation to Martin Van Buren at Albany and to the Bureau of Correspondence in Virginia, and it was shortly afterward published in the newspapers.* Gallatin might as well never have written his resignation, for when the New York legislature attempted to choose its electors, the supporters of Crawford and Clay broke out into an open quarrel. In 1821 the people of New York had made a new constitution wherein the Council of Appointment was abolished and the suffrage extended by removing the property qualification hitherto required of voters.† The politicians then in office, under the leadership of Martin Van Buren, organized a new party machine to take the place of the Council of Appointment and to control the State patronage. This machine was called the "Albany Regency." Another consequence of the adoption of the new constitution was the formation of the People's Party, for it was certain that if the Albany Regency were left to itself, it would capture the Legislature in 1824 and secure electors pledged to Crawford. The People's Party demanded that in 1824 the Presidential electors should be chosen by popular vote, and on this demand the election of 1823 turned.* The People's Party elected a number of their candidates to the Legislature, and in January of 1824 a bill was introduced providing for the popular choice of electors. After a long and bitter struggle, the bill was passed in the Assembly, but in the Senate it was defeated on March 10 by a vote of 17 to 14.† Had the Regency stopped here, all might have been well; but before the session closed, they rushed through both Houses a resolution removing De Witt Clinton from the office of canal commissioner.‡ This aroused intense public indignation, which became so great by June 2, 1824, that Governor Joseph C. Yates called a special session of the Legislature for August and urged the passage of the electoral law.|| When the Legislature convened on August 2, the governor's message was read, precipitating a violent struggle.§ Crawford's friends contended that nothing had happened to justify an extra session of the legislature; that the governor's proclamation was therefore unconstitutional, and any measures the legislature might enact would be illegal. It was

* Gallatin's *Writings*, vol. ii., pp. 288–299; Parton, *Life of Jackson*, vol. iii., p. 31. See also Clay, *Private Correspondence*, pp. 100–103; Sargent, *Public Men and Events*, vol. i., p. 57.

† For Van Buren's services in this convention see Edward M. Shepard, *Life of Martin Van Buren*, pp. 65–73; Bancroft, *Martin Van Buren to the End of his Public Career*, pp. 62–109.

* Sumner, *Life of Jackson*, p. 86; *Niles' Register*, vol. xxv., p. 162.

† *Niles' Register*, vol. xxvi., pp. 44–45.

‡ *Ibid*, vol. xxvi., pp. 97, 116–117. For details see Shepard, *Martin Van Buren*, p. 93 *et seq.*

|| See his proclamation in *Niles' Register*, vol. xxvi., pp. 243–244.

§ The message is in *Niles' Register*, vol. xxvi., pp. 372–373.

therefore the duty of the Assembly, with the Senate's concurrence, to adjourn immediately.* Adams' friends declared the electoral bill ought to pass, and when a concurrent resolution to adjourn came down from the Senate, it was tabled by a large majority. The next day the Assembly passed a joint resolution for the enactment of an electoral law and sent it to the Senate; but that body took no action, and when the reason was asked, stated that the session was illegal and the legislature could not legally legislate. Thus deadlocked, it was evident that nothing could be done and both branches therefore adjourned until the regular time of meeting in November.†

Meanwhile, the people had elected De Witt Clinton governor of New York. An active campaign had been conducted against Congressional caucusses, and particularly against those Senators who had voted against the electoral law. But one of those 17 Senators who voted against this law dared to stand for reëlection and he was beaten. Out of a total of 190,000 votes, Clinton received a majority of 16,000.‡ When the two houses of the legislature met on November 10 to choose the 36 electors, each member found on his desk three printed slips of paper, which proved to be an Adams, Clay, and a Crawford ticket. The law provided that the two houses must vote separately, and after each had chosen its electors, they must meet in joint session and declare the results. In the Senate 7 Clay electors and 29 Crawford electors were chosen, but in the House the struggle was keener. On the first ballot Adams had 50 votes, Crawford 43, Clay 32, and Jackson 1.* For three days the balloting continued without change, and it became apparent that a compromise was necessary. The Clay ticket was then offered and rejected; next the Jackson ticket was offered and was given 28 votes; and then the compromise ticket of 21 Crawford and 15 Clay men was submitted. This failing also, the Adams ticket was again offered, to be adopted by a vote of 62 to 55. The two houses next met and proceeded to vote on the Adams ticket offered by the Assembly and on the Crawford-Clay ticket offered by the Senate. As there were 157 ballots, 79 were necessary to a choice. Seven of the men on the Crawford ticket who had been supporters of Clay received 95 votes apiece and were declared elected, but three of the ballots were blank and, it was contended, ought not to be counted. If these ballots were discarded, 78 would be a majority, and 25 on the Adams ticket would be elected. A stormy debate began and continued until late in

* *Niles' Register*, vol. xxvi., p. 396.

† *Ibid*, pp. 397–398.

‡ Schouler, *United States*, vol. iii., p. 314; Hammond, *Political History of New York*, vol. ii., chaps. xxix.–xxxii.; Thurlow Weed, *Autobiography*, chap. xv.; *Niles' Register*, vol. xxvii., p. 162.

* *Niles' Register*, vol. xxvii., p. 186.

the afternoon, when the Senate left the joint session and went to its own chamber. There the Senate declared that the 7 Clay men with 95 votes and the 25 Adams men with 78 votes were elected. A like resolution was adopted by the Assembly and again a joint session convened, when four more electors were chosen who were open advocates of Crawford. As the vote then stood, there were 25 electors for Adams, 7 for Clay, and 4 for Crawford.*

At that period in our history it was not the custom to choose electors throughout the country on the same day, as each State fixed the time for the election as best suited the convenience of the people, or of the legislature, if that body made the appointment of the electors. Consequently, the election of a President was a slow process at best, and slower still because of the absence of the telegraph and other quick means of heralding information. Toward the end of the year, from the returns then received, Jackson had 99 votes, Adams 84, Crawford 41, and Clay 37,† provided Louisiana, which was yet to be heard from, voted as she was supposed to. But toward the middle of December news arrived from Louisiana that three Jackson electors and two Adams electors had been chosen by the legislature after six ballots. As the Constitution limited the number of contestants that could appear before the House of Representatives, Clay was therefore shut out of the contest. Though Clay's name could not come before the House, still he could say who should be elected, as Crawford had been stricken with paralysis during the summer and was in no physical condition to become President.* To vote for Jackson was impossible, for since the Seminole War and Clay's denunciation of Jackson's conduct the two had not spoken; but as Clay then held the balance of power efforts were made to renew the friendship.† When it became known, however, that Clay had determined to support Adams, Jackson's friends set upon him with abuse, threats of vengeance, personal injury, etc., if Jackson were not elected.‡ As Clay remained firm and could neither be persuaded nor frightened, Jackson's friends, toward the close of 1824, attempted to ruin him politically.

As we have seen, Clay had been much disappointed when Monroe

* McMaster, vol. v., pp. 72–73; Sumner, *Life of Jackson*, p. 87; Stanwood, *Presidential Elections*, pp. 85–86; *Niles' Register*, vol. xxvii., pp. 187, 193–194.

† Sumner, *Life of Jackson*, p. 89; Buell, *History of Andrew Jackson*, vol. ii., p. 172; Quincy, *Memoir of John Quincy Adams*, p. 139; Morse, *John Quincy Adams*, p. 170; Schurz, *Life of Clay*, vol. i., p. 232.

* Morse, *John Quincy Adams*, pp. 170–171; Peck, *The Jacksonian Epoch*, pp. 95–97; Schouler, *United States*, vol. iii., p. 306; *Memoirs of John Quincy Adams*, vol. vi., pp. 130, 270, 356–357, 387, 428 435, 439.

† Rogers, *The True Henry Clay*, pp. 127–129; Parton, *Life of Jackson*, vol. iii., pp. 45–47, 56, 64; Schurz, *Life of Clay*, vol. i., p. 237; Clay, *Life of Clay*, pp. 137–139.

‡ Schurz, *Life of Clay*, vol. i., p. 241; Clay, *Life of Clay*, p. 141; Schouler, *United States*, vol. iii., pp. 327–328.

failed to appoint him to the office of Secretary of State. Now, therefore, if Clay should throw his influence to Adams and secure his election to the Presidency, Clay would in all likelihood be offered the position he desired.* The Jackson adherents then concocted a scheme to force Clay to support Jackson. On January 25, 1825, George Kremer, one of the Pennsylvania Representatives, sent an anonymous letter to the *Columbian Observer* at Philadelphia declaring an attempt had been made to corrupt the friends of Jackson, and when it failed the followers of Adams had been corrupted, and that Clay had been promised the office of Secretary of State if he would cause his followers to vote for Adams.† This stung Clay to the quick and he denounced the unknown writer as "a base and infamous calumniator, a dastard, and a liar," and asserted that if he could ascertain who it was he would hold him to "all the laws which govern men of honor." ‡ Kremer then made himself known, but, instead of fighting a duel on the grounds of Bladensburg, Clay took the matter to the House and on February 3, 1825, requested an investigation.* He said that

> "The respectability of the station which the member holds who thus openly prefers the charges, and that of the people whom he represents, entitle [his accusations] to grave attention. It might be, indeed, worthy of consideration whether the character and dignity of the House itself did not require a full investigation, and an impartial decision on their truth. For if the charges are true, if he were capable and base enough to betray the solemn trust which the Constitution had confided in him * * * the House would be scandalized by his continuing to occupy the chair with which he has been so long honored, * * * and he merited instantaneous expulsion. * * * He anxiously hoped, therefore, that the House would be pleased to direct an inquiry to be made into the truth of the charges.† "

But few of the members knew that this attack had been made on the Speaker and, themselves thoroughly indignant, Clay's appeal was readily heard and a committee appointed to investigate it.‡ Kremer promised to appear before the committee and said that if he failed to make the charges good, he was willing to be punished as the House saw fit.‖ But when the committee requested him to submit proof, he refused to attend§ and instead submitted a long letter denying

* Sumner, *Life of Jackson*, pp. 90–92.

† Stanwood, *Presidential Elections*, pp. 90–91; Parton, *Life of Jackson*, vol. iii., p. 103; *Niles' Register*, vol. xxvii., p. 353.

‡ Schurz, *Life of Clay*, p. 242; Clay, *Life of Clay*, p. 142; *Niles' Register*, vol. xxvii., p. 355. In writing to F. P. Blair, January 29, 1825, Clay said: "The knaves cannot comprehend how a man can be honest."—*Private Correspondence of Henry Clay*, p. 112.

* Sargent, *Life of Clay*, p. 104; Peck, *The Jacksonian Epoch*, pp. 97–98; Parton, *Life of Jackson*, vol. iii., pp. 104–105.

† *Register of Debates*, 18th Congress, 2d session, vol. i., pp. 440–441; *Niles' Register*, vol. xxvii., p. 366.

‡ The committee consisted of P. P. Barbour, Webster, R. M. Saunders, Louis M. Zane, John W. Taylor, John Forsyth and Christopher Rankin. See *Register of Debates*, 18th Congress, 2d session, vol. i., p. 486.

‖ Rogers, *The True Henry Clay*, p. 131; *Niles' Register*, vol. xxvii., p. 367.

§ Morse, *John Quincy Adams*, p. 182; Parton, *Life of Jackson*, vol. iii., p. 105.

the right of the House to act in this matter.* After being read, this letter was laid on the table,† and, it being the second Wednesday in February, the House informed the Senate that it was ready to count the electoral votes.

When the two bodies had taken their seats the certificates were opened and read, and it was announced that Andrew Jackson had received 99 votes, John Quincy Adams 84, William H. Crawford 41, and Henry Clay 37, so that as no person had received a majority, there was no election. However, as Jackson, Adams, and Crawford had received the highest number of votes, it was incumbent upon the House to make a choice. Calhoun had received 182 electoral votes for Vice-President and was declared elected.* When the last ballots for President had been counted, it was found that Adams had received the greatest number, and he was duly declared elected for the term beginning March 4, 1825.†

* Hunt, *Life of Calhoun*, p. 52; Von Holst, *Life of Calhoun*, pp. 60–61; Jenkins, *Life of Calhoun*, p. 156.

† For the vote by states see Stanwood, *Presidential Elections*, p. 93; Schouler, *United States*, vol. iv., p. 538; *Register of Debates*, vol. i., p. 526.

‡ Morse, *John Quincy Adams*, p. 178; Schurz, *Life of Clay*, vol. i., p. 249 *et seq.*

CHAPTER XXXV.

1825–1829.

FOREIGN RELATIONS.

Adams' inauguration — Invitation of the South American republics — Adams and Clay's determination to send representatives to Panama — Discussion of the project in Congress — Result of the South American Congress — Early struggles for independence in Mexico — Cooperation of American citizens — Land grants to the Austins — The Texas colonization law — Attempt to extend the southern boundary — The dispute with England over the Maine and Oregon boundaries — Opinions in Congress as to the value of Oregon — The dispute with England over the West Indian trade.

On March 4, 1825, John Quincy Adams was inaugurated as the sixth President of the United States.‡ The inauguration was followed by the appointment of the cabinet members. Clay was nominated Secretary of State; Richard Rush, of Pennsylvania, Secretary of the Treasury: James Barbour, of Virginia, Secretary of War; Samuel L. Southard, of New Jersey, Secretary of the Navy; William Wirt, of Virginia, Attorney-General; and John McLean, of Ohio, Postmaster General, though the latter was not yet a member of the cabinet.‡

Hardly had Clay been installed in office when his attention was drawn to the South American republics. In 1823

* Schurz, *Life of Clay*, vol. i., pp. 244–246; McMaster, *Life of Webster*, pp. 129–130. For text see *Register of Debates*, vol. i., pp. 522–525; *Niles' Register*, vol. xxvii., pp. 380–382.

† Parton, *Life of Jackson*, vol. iii., pp. 106–107.

‡ For details see Schouler, *United States*, vol. iii., p. 337 *et seq.*; *Niles' Register*, vol. xxviii., pp. 19–20. For his inaugural address see Richardson, *Messages and Papers*, vol. ii., pp. 294–299; *Niles' Register*, vol. xxviii., pp. 8–11.

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the power of Spain in South America had been completely overthrown, and Simon Bolivar as President of Colombia, invited the governments of Mexico, Peru, Buenos Ayres, and Chile to send delegates to Panama for the purpose of forming a confederacy. The two latter held back at the time, and in December of 1824 Bolivar again addressed a circular to the republics urging that representatives be sent to Panama immediately. To this circular letter Mexico, Chile, Peru, Guatemala and Colombia responded,* and in the spring of 1825 the representatives of Mexico and Colombia in the United States expressed to Clay a desire that the United States should be represented at the Congress.† After consulting Adams, Clay replied that, although the United States could take no part in a war with Spain, or in any council for deliberating on the manner or means for carrying it on, he believed that such a congress might be serviceable in settling some important questions of public law, in promoting friendly intercourse between the various republican governments which had become established in America, and in arranging matters of great interest to the whole new world.‡ The representatives of these countries reported Clay's answer to their governments, but no more was heard of the matter for some months.

In November of 1825 the representatives of Mexico and Colombia again urged the United States to send representatives to Panama, at the same time presenting to Clay statements of the subjects which would be considered at the congress.* Adams accepted the invitation and in his annual message of December 6, 1825, said: "Ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them so far as may be compatible with the neutrality from which it is neither our intention nor the desire of the other American States that we should depart."†

Adams well knew the purposes for which the Congress had been called, for a statement of its objects had been given him. The chief objects were to form a league to wage war against Spain; to free Cuba and Porto Rico, to carry the war to the coast of Spain, to consider what should be done to give effect to the Monroe Doctrine, and to decide upon the most effective measures to resist foreign interference in the domestic affairs of the American government.‡ In a special message to the Senate on December 26, 1825, Adams ignored these mat-

* See the letters in *Niles' Register*, vol. xxix., pp. 184–186.

† Henderson, *American Diplomatic Questions*, p. 343; *Memoirs of John Quincy Adams*, vol. vi., pp. 531, 536, 542.

‡ *American State Papers, Foreign Relations*, vol. v., p. 835; Henderson, *American Diplomatic Questions*, p. 344; Snow, *Treaties and Topics in American Diplomacy*, pp. 296–297.

* *American State Papers, Foreign Relations*, vol. v., pp. 836–837. See also Henderson, *American Diplomatic Questions*, pp. 344–345; Snow, *Treaties and Topics in American Diplomacy*, pp. 297–299.

† Richardson, *Messages and Papers*, vol. ii., p. 302; *Niles' Register*, vol. xxix., pp. 233–240.

‡ Chadwick, *Relations of the United States and Spain*, pp. 210–211; Jared Sparks, *Alliance of*

ters and suggested various other subjects for discussion. He also named Richard C. Anderson, of Kentucky, and John Sergeant, of Pennsylvania, as envoys extraordinary, and William B. Rochester, of New York, as secretary of the mission; saying, "although this measure was deemed to be within the constitutional limits of the executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature; first by the decision of the Senate upon the nominations to be laid before them, and, secondly by the sanction of both Houses to the appropriations, without which it cannot be carried into effect."* He said that the United States "neither intend nor are expected to take part in any deliberations of a belligerent character," but that the meeting would afford an excellent opportunity to give some wholesome advice to the South American republics concerning commercial reciprocity, blockade and neutral rights, privateering, the slave trade, and religious liberty.†

On account of the great opposition to this measure, Martin Van Buren moved that the debate be conducted with open doors, unless the publication of documents to be referred to in debate would be objectionable.* He moved also that the President be requested to state whether the publication of any such documents would be objectionable.† On February 16, 1826, Adams replied that all the documents sent by him to the Senate were in confidence, that this confidence ought to be preserved unimpaired, and that he left to the Senate itself the decision of a question involving an unprecedented departure from that usage.‡ This stirred up the anger of the opposition, and five resolutions, practically amounting to a censure, were offered by Woodbury on February 22, but all were voted down by a strict party alignment of 24 to 20.‖ It was resolved also to hold the debate in executive or secret session.§

On January 16, 1826, the Committee on Foreign Relations made a long report and introduced a resolution that it was not expedient to send any

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the Southern Republics, in *North American Review*, vol. xxii., p. 162 (January, 1826); *Niles' Register*, vol. xxix., p. 365.

* Richardson, *Messages and Papers*, vol. ii., p. 318–320; *American State Papers, Foreign Relations*, vol. v., pp. 834–835. See also Chadwick, *Relations of the United States and Spain*, pp. 209–210; L. M. Keasbey, *The Nicaragua Canal and the Monroe Doctrine*, pp. 138–139; Henderson, *American Diplomatic Questions*, p. 346; *Niles' Register*, vol. xxix., p. 273.

† Snow, *Treaties and Topics in American Diplomacy*, pp. 301–302.

* Schouler, *United States*, vol. iii., p. 362.

† *Register of Debates*, 19th Congress, 1st session, p. 142; Benton, *Abridgment*, vol. viii., p. 417. For the documents submitted see *Register*, app., p. 43 *et seq.*

‡ Richardson, *Messages and Papers*, vol. ii., p. 327; Quincy, *Memoir of John Quincy Adams*, pp. 154–156.

‖ *American State Papers, Foreign Relations*, vol. v., pp. 871–872; *Register of Debates*, 19th Congress, 1st session, pp. 143–144; Benton, *Abridgment*, vol. viii., p. 417.

§ McMaster, vol. v., pp. 442–443.

representatives to the Panama Congress.* The debate then opened in earnest. There were two grounds for opposition: first, that the Congress proposed to form a league that would drag the United States into an entangling alliance of a serious nature. Others said they would not consent to enter any kind of a league with or apply the Monroe Doctrine in behalf of republics that had abolished slavery, that wished to suppress the slave trade, that demanded the recognition of the negro republic of Hayti, and sought to free Cuba and Porto Rico, and emancipate the slaves in those islands.† Hayne said that Monroe had never "pledged this nation to go to war or make treaties to prevent the interference of any European nation in the present contest," but that Monroe's declaration was merely intended "to produce a moral effect abroad."‡ White, of Tennessee, took the same ground and further said that "the Executive has no power to bind the United States by any pledge," and that Monroe had asserted correct principles, but left them to be enforced or not as our interest or policy required.*

It was asserted that the suppression of the slave trade, the recognition of Hayti, and the expedition to free Cuba and Porto Rico greatly concerned the South. Senator after Senator from that section bitterly denounced these matters, for, as Hayne said, slavery "must ever be treated as a domestic question." "Let me solemnly declare, once for all," he continued, "that the Southern States never will permit and never can permit any interference whatever in their domestic concerns, and that the very day on which the unhallowed attempt shall be made by the authorities of the Federal Government, we will consider ourselves as driven from the Union."† The abolition of slavery in Cuba and Porto Rico deeply concerned the slaveholding States, for in the opinion of slaveholders the existence of two nonslaveholding republics within 90 miles of the Florida coast would be unendurable. Hayne therefore suggested that the United States should not permit the South American states "to take Cuba nor to revolutionize it." White, of Tennessee, said that of all the subjects that could be thought of for discussion at Panama, the abolition of the slave trade was the most unfortunate. If slavery be an affliction, all the Southern and Western States have

* *American State Papers, Foreign Relations*, vol. v., pp. 857–865; *Register of Debates*, app., pp. 92–100; Henderson, *American Diplomatic Questions*, pp. 347–348; Snow, *Treaties and Topics in American Diplomacy*, p. 307.

† Rogers, *The True Henry Clay*, pp. 139–140; Angell, *Diplomacy of the United States*, in Winsor, *Narrative and Critical History*, vol. vii., p. 503.

‡ For the entire speech see *Register of Debates*, pp. 152–175; Benton, *Abridgment*, vol. viii., pp. 421–429. See also Jervey, *Robert Y. Hayne and His Times*, pp. 190–193.

* *Register of Debates*, pp. 198–218; Benton, *Abridgment*, vol. viii., pp. 435–438.

† *Register of Debates*, p. 165.

it, and their peculiar modes of thinking on all subjects are connected with it. Some of these new States have put it down in their constitution that whoever owns a slave shall cease to be a citizen. Is it then fit that the United States should disturb the quiet of the Southern and Western States by discussion and argument with the new States on any subject connected with slavery?* Berrien, of Georgia, said that Cuba and Porto Rico must remain as they are. "To Europe, the President has distinctly said: 'We cannot allow a transfer of Cuba to any European power.' We must hold a language equally decisive to the Spanish American States. We cannot allow their principle of universal emancipation to be called into activity in a situation where its contagion 'from our neighborhood would be dangerous to our quiet and safety.' * * * The safety of the southern portion of this union must not be sacrificed to a passion for diplomacy."† Benton said that the relations of Hayti with the American States and the rights of Africans in this hemisphere were two other questions to be decided. He said that if Hayti became independent, black consuls would be sent to the South, and would parade through the country and instil in the minds of the slaves of the South the benefits to be derived through a like successful effort on their part. He said that as this question could not be discussed at home, there was no sense of discussing it at Panama.* He then offered an amendment declaring it undesirable to send representatives to the Congress until the Senate had received satisfactory information as to the subjects to be brought before it, the substance and form of powers to be given the American representatives, the mode of organizing the Congress, and the method of deciding questions. This amendment was rejected, and Van Buren moved that as the Constitution did not authorize the President to nominate representatives to an assembly of nations, the appointment of delegates to the Panama Congress would be a departure from the said policy of the United States.† This, too, was rejected. The nominations made by the President were then duly confirmed (March 14, 1826).‡

The matter of appropriating money to defray the cost of the mission next came before the House. On December 16, 1825, a resolution had been offered, calling on the President for copies of the papers and correspondence in the case, but this was tabled as assurance was given that the Presi-

Register of Debates, p. 207.

† *Ibid*, pp. 276–295; Benton, *Abridgment*, vol. viii., pp. 453–457.

* *Register*, p. 304 *et seq.*; Benton, *Abridgment*, p. 459 *et seq.*

† For a discussion of Van Buren's attitude see Shepard, *Martin Van Buren*, p. 105 *et seq.*; Bancroft, *Martin Van Buren*, pp. 137–140.

‡ McMaster, vol. v., pp. 443–450; Chadwick, *Relations of the United States and Spain*, p. 213. For a different discussion see Von Holst, *Constitutional and Political History*, vol. i., pp. 423–432. See also Roosevelt, *Life of Benton*, pp. 63–65.

dent intended to send the papers when the Senate consented to the proposed mission.* On January 25, 1826, as no papers were received from the President, two resolutions were introduced; one expressing the solicitude of the United States for the South American republics in their struggle for independence; and the other declaring the wisdom of sending representatives to the congress and appropriating the necessary money.† These resolutions were tabled, and on January 30 another resolution was offered, calling on the President for papers and documents relative to the invitation.‡ The House thereupon began a debate, and it was not until February 3, 1826, that the resolution passed by a vote of 125 to 40.‖ On March 15 President Adams complied with the resolution and submitted the information and the papers.§ The Committee on Appropriations thereupon introduced a bill providing for the mission, and on March 25 another resolution was introduced by the Committee on Foreign Relations, stating that it was expedient to appropriate these funds.¶

When the resolution was taken up on April 4 an amendment was offered by McLane, of Delaware, declaring that it was contrary to the policy of the United States to form entangling alliances with foreign nations and to have "as little political connection as possible" with them; that the ministers should go in a diplomatic character only, and should be empowered only to discuss and not to conclude any compact or declaration binding the Government to resist interference on the part of foreign nations in the domestic concerns of the South American countries.*

In opposing this, Webster said that the amendment virtually instructed the ministers — a prerogative which belonged to the Executive and not to the House.† Others argued that, as the Senate had approved the mission, it was the duty of the House to appropriate the money, unless the mission were deemed dangerous to the peace of the country. James Buchanan then offered a resolution to remove Webster's objections. This declared that it was not expedient to enter into an alliance, either offensive or defensive, for the United States

* *Register of Debates*, pp. 817, 819.

† *Ibid*, pp. 1116–1118.

‡ *Ibid*, p. 1192.

‖ For the debate see *ibid*, pp. 1208–1219, 1226–1232, 1237–1302; Benton, *Abridgment*, vol. viii., p. 637 *et seq.*

§ Richardson, *Messages and Papers*, vol. ii., pp. 329–340; *American State Papers, Foreign Relations*, vol. v., pp. 882–886. See also Tucker, *The Monroe Doctrine*, pp. 28–32. The documents will be found also in *Niles' Register*, vol. xxx., pp. 54–82, 88–108.

¶ *American State Papers, Foreign Relations*, vol. v., pp. 900–905; *Register of Debates*, pp. 1764–1765 and app., pp. 100–105; Benton, *Abridgment*, vol. ix., p. 48; Henderson, *American Diplomatic Questions*, p. 353; Snow, *Treaties and Topics in American Diplomacy*, pp. 308–309; *Niles' Register*, vol. xxx., pp. 108–113.

* *Register of Debates*, pp. 2009, 2011; Benton, *Abridgment*, vol. ix., pp. 90–91.

† Tefft, *Life of Webster*, pp. 243–244; Henderson, *American Diplomatic Questions*, pp. 353–354. For the speech see *Register of Debates*, pp. 2021–2022; Benton, *Abridgment*, vol. ix., pp. 94–95.

would thus be deprived of the right to act freely in any crisis which might arise.* Regarding the argument that the House should vote the appropriation because the Senate had approved the mission, it was stated that the peace of the country was seriously threatened. Clay said, at the time the invitation was first presented and accepted, that the members would be instructed and enlightened "upon all questions likely to arise in the congress on subjects in which the nations of America have a common interest."† The Mexican minister said that the principal subjects were foreign interference and colonization. These, therefore, were subjects to the discussion of which the United States was committed, for at the time the French fleet appeared off the coast of Cuba, Clay had said "that we would not consent to the occupation of these islands by any other European power than Spain, under any contingency whatever."‡ Regarding Clay's American system, it was said that nothing but evil would come from it.

On April 11, 1826, James K. Polk, of Tennessee, offered an amendment which, in substance, stated that when the House was called upon to appropriate money for a foreign mission, it should consider the expediency or inexpediency of such a mission, and act accordingly; that to send representatives to participate in the deliberations of the Panama Congress was foreign to the policies of the United States; and that such a mission might involve us in entangling alliances, and therefore, as it was inexpedient to send representatives to the congress, the appropriation should not be made.* Buchanan considered that as the Senate had consented to the appointment of the members, they were free to start whenever they were ready, and that no matter whether the House refused to pay them or not, their acts would be legal. The only question to be decided was not whether the mission were proper, but whether the money should be paid. He was in favor of the amendments as the Administration would thus be able to relieve itself of a pledge which it had no right to give, and the President could also say that, strong as was his inclination to fulfill it, the House of Representatives had declared it should never have their sanction.†

In reply, on April 14, Webster said that the House must appropriate the money; that the appointment of members was a power belonging to the Executive, and that it was only because such members must have salaries and because such salaries could not be paid without the consent of the House, that the subject was referred

* *Register of Debates*, p. 2029.
† *Ibid*, p. 2018 *et seq.*
‡ *Ibid*, p. 2048.

* *Ibid*, p. 2166.
† *Ibid*, pp. 2168–2182; Benton, *Abridgment*, vol. ix., pp. 137–143.

to that body at all.* Finally the Committee of the Whole reported the resolution without amendment, but on April 20 the House added the amendment of McLean by a vote of 99 to 95,† and then rejected the resolutions (April 21 by a vote of 143 to 54),‡ but on April 22 passed the appropriation bill by a vote of 134 to 60.‖ The Senate concurred in the measure § and it became law on May 24, 1826.

It was quite evident that the excitement of the dispute on this subject was due rather to political factiousness than to fear of danger to the interest of the United States. But so far as appears by the result, neither side gained or lost anything of moment from the discussion. It was late in April before the debate terminated and summer had come before Anderson and Sergeant set out to attend the congress.¶ Anderson, then minister to Colombia, set out for Panama as soon as he received instructions, but on reaching Cartagena was attacked by a malignant fever and died. Sergeant reached Panama only to find that the delegates had assembled and had adjourned to meet again at Tacubaya, Mexico.* Poinsett, the ambassador to Mexico, was then appointed in Anderson's place, and he with Sergeant prepared to be present when the Congress should reassemble in February of 1827. But when the appointed day arrived the Congress did not meet, principally because the internal dissensions in South America rendered it impossible to effect anything of importance. The project was never after revived and Sergeant therefore returned to the United States.†

Quite as futile was the attempt to extend our southern boundary into Texas. The uprisings of the Spaniards against Joseph Bonaparte in June of 1808 had been followed by uprisings in the American colonies. Under the lead of Don Miguel Hidalgo, the native Mexicans revolted, and, with a considerable army, Hidalgo captured the city of Guanaxuato. So many of his followers deserted on reaching the outskirts of Mexico City that he was compelled to retreat, to be finally betrayed and executed in the usual Mexican way. One of his followers, Bernardo Gutierres, escaped and, after fleeing across Texas,

* *Register of Debates*, pp. 2254–2277; Benton, pp. 159–167; Tefft, *Life of Webster*, p. 244; Tucker, *The Monroe Doctrine*, pp. 32–33.

† *Register of Debates*, p. 2457.

‡ *Ibid*, p. 2490.

‖ *Ibid*, p. 2514; Snow, *Treaties and Topics in American Diplomacy*, p. 309; Benton, *Abridgment*, p. 218; McMaster, vol. v., pp. 451–459; Curtis, *Life of Webster*, vol. i., pp. 266–267.

§ For debate see *Register of Debates*, 19th Congress, 1st session, pp. 641, 665–667, 671.

¶ For their instructions see *Register of Debates*, vol. v., app., pp. 38–49. A resumé is in Snow, *Treaties and Topics in American Diplomacy*, p. 311.

* Henderson, *American Diplomatic Questions*, p. 350; *Niles' Register* (vol. xxxi., *passim*) gives some of the proceedings.

† Chadwick, *Relations of the United States and Spain*, pp. 214–215; Schouler, *United States*, vol. iii., pp. 366–367. On the entire subject also *The Congress of 1826 at Panama* (*International American Conference*, vol. iv., Historical App., 1890).

took refuge at Natchitoches. He persuaded Lieutenant August W. Magee to join him in an attempt to conquer Mexico and, as it was easy to get followers, an army was organized and called the Republican Army of the North. In June of 1812 150 men began their march, quickly captured Nacogdoches and the fort at Spanish Bluffs, then crossed the Colorado and were besieged at La Bahia by Don Manuel de Salcedo, governor of Texas. Salcedo was driven to San Antonio, where, together with the town, he was captured and, with Simon de Herrera, governor of New Leon, was executed. The Republicans then deposed Gutierres, placed Don José Alvarez Toledo in command, were defeated, and inside of two months were driven back to the west bank of the Sabine. Toledo then returned to the United States, collected a few men and some more arms and ammunition, and returned to El Puente del Rey, between Vera Cruz and Jalapa, where he waited for the troops of the Mexican Republic to join him.*

The struggle for independence was not terminated by the fall of Hidalgo, for in the southwestern provinces an army had been raised by another priest, Morelos by name, who, after winning the battle of Tixtla, summoned a congress to meet at Chilpanzingo. In 1812 this congress declared independence, but Morelos soon died and the duty of sustaining the republican cause fell on Don José Manuel Herrera. He struggled along for three years with indifferent success, but in September of 1816 he and Don Luis Aury raised the flag of the republic at Galveston, established a government, and Aury was made civil and military governor of Texas and Galveston Island, which were declared to be a part of the republic of Mexico. By the spring of 1817 there were 600 fighting men at Galveston under Aury and Xavier Mina. At this time some letters were captured which informed the commanders at Galveston of the defenceless state of the town of Soto la Marino, 60 miles up the Santander River. In April an expedition easily captured this place, but immediately Aury and Mina quarreled, Aury going back to Galveston, while Mina, after marching inland, was captured by the royal troops and put to death. On returning to Galveston, Aury found the place in the hands of pirates under Lafitte, and after a vain attempt to establish himself at Matagorda, he joined MacGregor at Amelia Island, whence he was driven out of the United States.*

In 1819 came the Spanish treaty which adopted the Sabine as part of the boundary and relinquished all claims of the United States to Texas. While this aroused intense indignation throughout the Southwest, it was nowhere higher, perhaps, than in Natchez. Hence it was not difficult to

* McMaster, vol. v., pp. 3–4.

* McMaster, vol. v., pp. 5–6.

secure men for an attempt upon Texas. Dr. James Long raised a company of 75 volunteers to invade Texas, and early in June of 1819 set out for Nacogdoches. On the way the survivors of former bands joined him, so that by the time he reached his destination, the troops numbered 300, among them being Bernado Gutierres. On reaching Nacogdoches a provisional government was established and a proclamation issued declaring Texas free and independent.* The supreme council of nine which had been appointed proceeded to make laws to dispose of public lands and to establish a printing office. Long then went to Galveston to persuade Lafitte to support the enterprise but was unsuccessful. When he returned he found the royalist army close at hand and his own force scattered, he himself with great difficulty escaping to the United States.

Scarcely had Long departed when Moses and Stephen F. Austin made their appearance. Before much had been accomplished in consumating their scheme, Moses Austin died and his son, Stephen F. Austin, was left to undertake the task alone. They had planned to colonize 300 American families in the northwestern inland provinces, and immediately after his father's death Stephen Austin conferred with the governor, selected his tract, and drew up the plan for distributing the land among the settlers. The tract stretched along the coast from Galveston Bay to Matagorda Bay and ran inland to the great highway connecting Nacogdoches and Bexar. It was required that 300 families must be brought in from Louisiana, that each settler must be a Roman Catholic or become so before he entered Texas, must give evidence of good character and good habits, and take an oath of allegiance to the Spanish king. If these conditions were fulfilled, land was to be assigned to each family proportionate to its size — to each man 640 acres, to his wife 320 acres, and to each child 160 acres, and for each slave the owner was to have 80 acres, all of which was to be paid for at the rate of 12½ cents an acre. Settlers were easily found, and in November of 1821 the schooner *Lively,* with eighteen emigrants, sailed for Matagorda Bay, while Austin set out with fourteen men by land. Those who went by sea were wrecked and were never afterward heard of, and Austin, after awaiting their arrival for three months, set out for San Antonio to report his losses to the governor. On his arrival there in March of 1822 Austin learned that Mexico had revolted against Spain and had established a congress of her own.*

The governor informed Austin that his grant must be confirmed by Congress, and he therefore proceeded to Mexico, where he found several others

* *Niles' Register*, vol. xvii., p. 31.

* For the form of government proposed see *Annals of Congress*, 17th Congress, 1st session, pp. 2083-2085.

petitioning that body for the same purpose. The matter was considered so important that it was referred to a committee, which introduced a general colonization law. On October 30, 1822, just as the law was about to pass, Augustine Iturbide overthrew the government and declared himself emperor. The congress was dissolved by proclamation, and a junta of 35 members was organized by Iturbide. In January of 1823 this body enacted the first colonization law of Texas, guaranteeing the colonizers liberty, security of property and civil rights on condition that they adhere to the Catholic religion, promising each farmer not less than one labor (177 acres) and each stock-raiser one league (4,428 acres), and decreeing that they should be free for six years from paying taxes, duties and tithes. Under this law Austin succeeded in obtaining his grant in February of 1823, but, as he was about to return to his colony, the emperor was dethroned by another revolution and the Republic was restored.*

Upon Iturbide's departure an executive of three men was appointed and a new congress summoned, which immediately declared null and void the late Emperor's acts, including the colonization law of 1823 and the confirmation of Austin's contract. Austin secured a new confirmation, however, and early in the summer of 1823 returned to Texas, laid out the town of Colorado, and marked the foundation of San Felipe de Austin. After five months' labor, a new constitution was framed and adopted dividing Mexico into eighteen states and three territories, each with its own government. Until Texas should establish its government, it was to join Coahuila. Under the name of the State of Coahuila or Texas, the first congress of the new state began its session in August of 1824, and in the following March passed an act "to increase the population of its territory, promote the cultivation of its fertile lands, the raising and multiplication of stock, and the progress of its arts and commerce." This was practically a state colonization law and under it the settlement of Texas by the citizens of the United States began in earnest.*

When Mexico became independent of Spain the duty of executing the treaty concluded with that country in 1819 was left to her, but so unsatisfactory was it in many respects that a proposal was made to disregard this treaty and make another. The line of demarkation between the United States and Mexico passed up the west bank of the Sabine to the 32d degree, due north to the Red River, westward along its south bank to the 100th degree west longitude, then north again to the south shore of the Arkansas River, thence westward to the source of that river, thence due north or south to the 42d

* McMaster, vol. v., pp. 10–11.

* *The South in the Building of the Nation*, vol. iii., p. 354 *et seq.*

degree north latitude, and westward along this parallel to the Pacific. Clay suggested that the Rio Brazos or the Rio Colorado or even the Rio Grande be substituted for the Sabine, and a new line be drawn so as to head all waters flowing into the Arkansas and Red rivers; but Mexico would not listen to such a proposition. Clay then proposed two other lines. The first was the Rio Grande from its mouth to the Rio Puerco, up that river to its source and thence due north to the Arkansas. For the extra territory thus acquired the United States would pay $1,000,000. If Mexico did not desire to part with all of Texas, Clay proposed that she cede so much as lay east of the Rio Colorado from its mouth to its source and thence due north to the Arkansas. For this he was willing to give $500,000. Poinsett, the minister to Mexico, realized the futility of such a proposition, and, believing that it would cause still further irritation between the two countries, disregarded his instructions and did nothing.* Mexico insisted upon the boundary in the treaty with Spain in 1819 and Poinsett yielded. In January of 1828 a treaty of limits, binding the two parties to the old line, was concluded; but four years passed before the treaty was ratified by both parties.†

Before ratifications were exchanged, however, Andrew Jackson had become President. Being convinced that Mexican territory was too near the Mississippi, he instructed Van Buren to open negotiations with Mexico with the object of moving the boundary farther away than the Sabine. Jackson was willing to pay $5,000,000 for the territory north and east of a line starting from the coast between the Nueces and the Rio Grande and running along the crest of the divide parting the waters that entered the Rio Grande from those flowing into the Gulf, up to the 42d degree north latitude. He was willing also to pay a substantial sum for that part of Texas lying east of the west bank of the Rio de la Blanco, from its mouth to the source of its westerly branch, thence north to the Colorado and then to its source, and from that point to the 42d parallel of latitude. Should Mexico be unwilling to part with so much of Texas, Poinsett was authorized to propose as a boundary the Colorado from its mouth to its source, or the Rio Brazos from its mouth to the head of its most westerly branch, and thence around the tributaries of the Red and Arkansas rivers to the 42d degree. But Mexico declined to consider any of these propositions, and for many years the line remained unchanged as defined in the treaty of 1819.

The effort to reach an agreement with Great Britain as to the Oregon and Maine boundaries were quite as

* Bruce, *The Romance of American Expansion*, p. 83, quoting a letter from Clay in *Niles' Register*, vol. lxvi., p. 152.

† McMaster, vol. v., pp. 459–461.

unavailing as the negotiations with the South American republics. As set forth in the king's proclamation of 1763, the southern limit of the province of Quebec was the 45th parallel from the St. Lawrence eastward to the highlands which separate the waters flowing into the St. Lawrence from those flowing into the sea; along the highlands and northern shore of Chaleur Bay and the Gulf of St. Lawrence to Cape Rozier, and thence across the St. Lawrence by the west end of Anticosti to the mouth of the St. John River. By this proclamation, therefore, the Maine and Nova Scotia boundaries had been moved southward from the St. Lawrence to the sources of the rivers which flowed into it. The western limit of Nova Scotia was a line drawn from Cape Sable across the Bay of Fundy to the mouth of the St. Croix River, up that river to its source and a meridian to the southern boundary of Quebec. Thus it would seem that the boundaries of Maine had been precisely defined long before the Revolution, but to describe it in proclamations was far different than locating it on the ground, for nobody knew just which river was the St. Croix. After many years of wrangling, Madison instructed Rufus King to open negotiations to settle the Maine boundary and if possible to secure a commission to determine and mark the northwest angle of Nova Scotia. King followed his instructions, and in the convention of 1803 (never ratified by Great Britain) was an article providing for such a commission. Nothing was done, however, until the commission met at Ghent in 1814. Article V. of the treaty then concluded is as follows:

"Whereas neither that point of the Highlands lying due north from the source of the river St. Croix and designated in the former treaty of peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of the Connecticut river has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the above-mentioned northwest angle of Nova Scotia, thence along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of the Connecticut river, thence down along the middle of that river to the 45° of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraqui, has not yet been surveyed, it is agreed that the two commissioners shall be appointed, etc."

In 1817 the work of surveying began, but so difficult was it that four years passed before the work was completed. From the source of the St. Croix River the surveyors traced a meridian to a high elevation at Mars Hill, thence into the valley of the St. John River, then to the summit of a ridge parting the waters flowing into the St. John and those reaching the Restigouche, and 143 miles from the point of beginning met a ridge on the northern slope of which are the head waters of the river Matis which enters the St. Lawrence. The point at which the meridian crossed the crest of this ridge was, according to the Americans, the northwest angle of

Nova Scotia. The British agent, however, said that the ridge was a mere water-shed and could not be accepted as the highlands designated in the treaty. Furthermore, this ridge parted the Matis which fell into the St. Lawrence from the Restigouche which entered the Bay of Chaleurs, and therefore could not be said to "divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean," as required by the treaty. He said that the words of the treaty, "north to the Highlands" meant that the meridian should end at the first highlands which "in any part of their extent" divided the waters which fell into the St. Lawrence from those which fell into the Atlantic, and such a highland was Mars Hill. He therefore drew a line from Mars Hill to what he claimed to be the northwesternmost head of the Connecticut River, and held this to be the northern boundary of Maine and New Hampshire. This differed from the American viewpoint, for the American line met the line of Hall's stream. From the point where the Connecticut River crossed the 45th parallel of north latitude, the boundary was run due west to the St. Lawrence. But the astronomers found that the old-time surveyors had marked the parallel incorrectly; that the true line ran three-quarters of a mile south of the false one; and that on the territory belonging to Great Britain the United States had built a fort and was gradually completing another.*

The commissioners were therefore called upon to settle three questions: what was the northwest angle of Nova Scotia; where was the northwesternmost head of the Connecticut River; and whether the parallel of 45 degrees should remain as marked or be corrected. The commissioners failed to agree on any of these points and in November of 1821, after presenting their dissenting reports, adjourned. Under the treaty of Ghent it was necessary that the United States and Great Britain refer the matter to "some friendly sovereign or state" as arbitrator. Seven years passed, however, before the king of the Netherlands was chosen to act in this capacity, and three more had gone by before a decision was rendered.† On January 10, 1831, the award was made. The king disregarded the arguments of the two parties and drew a line due north from the source of the St. Croix to the middle of the St. John, up that river and the St. Francis to the source of its southwesternmost branch, and then cut the disputed territory in half, awarding the northern part to Great Britain and the southern to the United States. He decided the northwesternmost head of the Connecticut to be the most northwestern of the streams entering

* McMaster, vol. v., p. 469.

† For a short resumé of the arguments laid before the arbitrator by both parties, see McMaster, vol. v., pp. 470–473.

Connecticut Lake. He declared that former surveyors should be disregarded in locating the 45th parallel, but that the forts which had been erected by the United States should remain in their possession.*

When the award became known in Maine, indignation was aroused and the Government was denounced in no measured terms. It was held that the Senate possessed no power to part with an inch of American soil nor to change the boundary of a State without its consent, and in a dispute of this nature the Government merely acted as the agent of Maine. On February 28, 1831, the legislature resolved that the sovereign rights and powers of the State were being violated, and that she was not in duty bound to submit to the decision. Massachusetts, too, was an interested party, for when the district of Maine had been formed she reserved a share in the wild lands. On February 15, 1832, her legislature resolved that the line drawn by the arbitrator would deprive both States of large tracts of territory; that such power or right was not vested in the general government; and that any act purporting to deprive a State of any territory was null and void and not obligatory upon the government or people of the State. The legislature said that the State would cheerfully coöperate with Maine in such measures as would prevent the adoption by the United States government of the line recommended by the arbitrator. On January 19, 1832, the Maine legislature resolved furthermore that the Constitution:

"does not invest the General Government with absolute powers but confers only a special and modified sovereignty without authority to cede to a foreign power any portion of a territory belonging to a state without its consent; * * * that if there is an attribute of that sovereignty which is unqualified and undeniable, it is the right of jurisdiction to the utmost limit of state territory; that while the people of the state are disposed to yield a ready obedience to the Constitution and laws of the United States, they will never consent to surrender any portion of their territory on the recommendation of a foreign power."

In spite of the protest and threats of Maine and Massachusetts, President Jackson was disposed to approve the decision. On December 7, 1831, therefore, he sent the papers in the matter to the Senate.* That body by a vote of 35 to 8 declared that the award was not obligatory and advised the President to open new negotiations. Jackson, however, turned to Maine and soon concluded an agreement by which he was free to cede the land in question. For the present, Maine was to surrender to the United States all her territory north of the St. John and east of the St. Francis, in return for which she was to receive such adjoining territory as might be ceded by Great Britain, and, if this did not equalize matters, 1,000,000 acres in Michigan. The treaty, however, was never ratified,

* Moore, *International Arbitration*, vol. i., pp. 119-136.

* For his message see Richardson, *Messages and Papers*, vol. ii., p. 559.

and for several years nothing was known of this agreement. Meanwhile Great Britain informed the United States that she was willing to abide by the decision of the arbitrator but would, if necessary, modify the line in any manner agreeable to the two governments. Accordingly a proposition was made for new surveys, for a commission of Europeans to determine from these surveys as to where the highlands were actually situated, and for a line direct from the source of the St. Croix to these highlands wherever it might be determined they were. This proposition was declined by Great Britain, who made a counter proposition of a northern line from the St. John to the St. Croix and down the St. John to its southwesternmost source. This in turn was declined by the United States, who next proposed that if Maine would consent, the boundary be the St. John from source to mouth. Again Great Britain declined, and this was the status of the case when Jackson retired from the Presidency.*

Meanwhile the Oregon country furnished a source of contention between the two countries. When the convention of 1818 was signed, Article III. provided that the Oregon country, with its harbors, rivers, creeks and bays, was to remain open to the people of both countries for a period of ten years. When this period was about to expire the governments of both countries expressed a desire to settle the dispute as to the ownership, or to continue the agreement about to expire. In the latter part of 1826, therefore, the old claims were taken under consideration. At the first conference the British representative offered as a boundary the 49th parallel from the crest of the Rocky Mountains to the northeasternmost branch of the Columbia, and down that river to the sea. Gallatin offered the 49th parallel from the mountains to the sea, but stipulated that should the line cross any branches of the Columbia at points from which boats might descend to the main stream, they and the Columbia should forever be open to the people of both countries; that the people of neither nation should settle on the territory of the other; and that such settlements as had been established in the territory of one nation by the citizens or subjects of the other should be held by them for not longer than ten years. The British replied that the north bank of the Columbia must be under their jurisdiction and that they must have the right of navigating that river to and from the sea, but that they would concede to the United States a detached piece of country on the Pacific and the Strait of Juan de Fuca from Bullfinch Harbor to Hood's Canal. Gallatin based the American claim on the Louisiana purchase and the consequent acquisition of the French title to the country; on the treaty of 1819 with Spain and the resulting acquisition of Spanish titles

* McMaster, vol. v., pp. 475–477.

above the 42d degree; on the discovery of the mouth of the Columbia by Gray in 1792; the explorations of Lewis and Clark; on the settlement of Astoria; on the virtual recognition of American title by Great Britain in 1818; and on the doctrine of contiguity which had always been maintained by Great Britain. The British replied that the province of Louisiana was the country drained by the Mississippi, and that the region drained by the Columbia had never been a part of it. Even admitting that it had once been a part of Louisiana, France had ceded all territory west of the Mississippi to Spain in 1763; and as the title was in Spain, Gray had discovered a river, Lewis and Clark had explored, and Astor had settled in a country which belonged to Spain; that the Spanish claims because of discovery prior to 1790 had been cut off by the Nootka convention between Spain and Great Britain; that the rights above the 42d degree secured by the United States under the treaty of 1819 with Spain were only such as Spain possessed after the Nootka convention, which were simply to trade and settle in that region and to navigate its waters in common with Great Britain. So far as discovery, exploration and settlement were concerned, the British negotiators replied that Lieutenant Meares of the Royal Navy had entered the Columbia four years before Captain Gray; that the Lewis and Clark exploration was of no consequence, as the country traversed by them came under the Nootka convention of 1790; that the Northwest Fur Company had established posts on the northwest branch of the Columbia and was extending them down that river before Astoria had existed; and that Great Britain merely claimed the rights of trade, navigation and settlement, and not exclusive possession. At this time an agreement as to the boundary was impossible and the attempt was abandoned. On August 6, 1827, a new convention was drawn and joint occupation continued indefinitely, to be terminated at any time by either party after one year's notice to the other.*

The Oregon country now began to attract the attention of settlers from the East, and by 1828 several associations or committees of adventurers had been formed. On December 23, 1828, after the second session of the Twentieth Congress had convened, a bill was introduced providing that a territorial government be established for the whole country up to 54°40′; that the region be occupied by military force; that a fort be erected; that a board of entry be designated; and that donations of land be made to settlers. The debates that ensued on this measure show how little the men of that period realized the remarkable possibilities of the country. The chief obstacle to establish-

* Von Holst, *Constitutional and Political History*, vol. iii., pp. 42–44; McMaster, vol. v., pp. 476–479.

ing authority in the region seemed to be its great distance from the seat of the National government. In speaking of the measure on December 29, Edward Bates, subsequently Attorney-General under Lincoln, said:

"Now, what would be the consequence, supposing the bill to pass and thereby to give a social existence to the country? They had from the Missouri to the salt waters of the ocean, thirteen or fourteen hundred miles, and from the mouth of the Missouri to the head of navigation say two thousand five hundred miles. There was then the rugged and almost impassable belt of the Rocky Mountains; and nineteen twentieths of the space between the Missouri and the Pacific ocean, beyond the culturable prairies which were not above two or three hundred miles, was a waste and sterile tract, no better than the Desert of Sahara * * *. The country west of the mountains * * * was composed of rocky and stony ridges, interspersed occasionally with spots of ground giving life to nothing but the spruce, the hemlock, and other trees of a similar description. The soil, where there was any, in the lower ground, was formed merely of rotted pine leaves, and even that was swept away by the inundation which periodically covered the land on the banks of the river. To-day the extremity of drought would prevail; to-morrow, all, except the hills, would be submerged in the floods. * * * It was his firm belief that if a settlement were made and agriculture attempted on any scale, large or small and with any means, [the settlers] would not remain two years; they could not endure the incessant rains of four months' duration. * * *

"Suppose, for the sake of argument, the objects of the bill fully accomplished, suppose the paternal care of Government had fostered the infant settlement into a vigorous maturity — could it be supposed that a brotherhood of affection, a community of feeling and of interests, would prevail between that distant and solitary member of the family and those which remained firm and united together at home? * * * The very name of the place appeared expressive of its poverty and sterility, for it derives its name from an herb resembling pennyroyal, or perhaps, approaching as nearly hyssop, growing near the coast, and called in Spanish *oregano*." *

* *Register of Debates*, vol. v., pp. 127–129; Benton, *Abridgment*, vol. x., pp. 275–279.

James C. Mitchell, of Tennessee, then spoke as follows:

"When we contemplate the vast extent of the fertile territory which spreads to the east and south of the Rocky Mountains, adapted to all the purposes of agriculture and inviting to industry and to enterprise, we may well be led to wonder what can induce any adventurer to seek the inhospitable regions of Oregon, unless, indeed, he wishes to be a savage. * * * At what period do gentlemen suppose that the population of this happy republic will have filled up the extent of fair and fertile territory which spreads within our present boundaries? At what distant day will the pursuits of agriculture and all the train of the mechanic arts have taken full possession of this immense region? Sir, that period is so distant that no gentleman of the most prolific mind can ever look forward to it. Not even within the reach of fancy itself can the advocates of this bill point out the time when Oregon Territory will have to be organized * * *. But it has been said by some gentlemen that we ought to take possession of this territory, because if we do not, some other power will. Well, suppose they do, what shall we lose? What disadvantage shall we suffer? It is a territory which we ought never to inhabit, and which I hope we shall never inhabit. Why? In the first place because it is situated at such an immeasurable distance * * * from our seat of Government; insomuch that there never can be or will be any intervening links sufficient to unite it with the residue of our country. It is utterly impossible to conceive, if we do plant a colony there, that it will ever form a part and parcel of this Government. * * * It seems to be the decree of Nature herself that the Rocky Mountains shall be the western boundary of this Republic. She has interposed a country of four hundred miles in extent, of the most barren, sterile character, a country without timber and without water, a country wholly unfit for the occupation of civilized man, while above and beyond it those mountains rear their snowy and impassable tops many hundred feet higher than the summits of the Council Bluffs. They stand like a Chinese wall, and must forever and effectually guard us from all attacks from that quarter. Should any foreign power ever be so senseless as to take possession of Oregon, she can never injure the United States on that side.

"But admitting it were possible for us to settle such a colony, what will be the result? * * * The next step will be to erect it into

a territory; and then you will be called on to turn this territory into a State; and what then? It can be but a few years before such a State must, by its own weight, fall off from this confederacy. You have no practical means to connect such a State with the rest of the Republic. No delegate or representative can come thence to this House and return again within twelve months. Let his journey average twenty-five miles a day, which is a very liberal allowance, and it will take him three hundred and sixty-eight days to come here and return. His mileage will amount to nearly four thousand dollars, and be paid him for no other service but travelling, as no time will be left for legislation. * * * No, sir, let those restless spirits who cannot be content to cultivate their native soil, * * * let such beings go to Oregon, or anywhere else, but let them go at their own risk."*

Others, however, took a more hopeful view of the situation, declaring that Oregon was not the desert waste the opponents of the bill had represented, but was a fertile region, well watered and wooded and in time would be of immense value to the country. Their words, however, had little effect and the belief prevailed that to organize it as a Territory and to spread over it the laws of the United States would violate the convention of 1827. Accordingly on January 9, 1829, by a vote of 99 to 75, the House refused to order the bill to a third reading.† For a time, therefore, the subject was dropped.

There was still another subject of dispute with Great Britain which threatened to be serious — the closing of the West Indies to American vessels. As we have seen, the Jay treaty granted little to the United States in respect to trade with the West Indies, and in 1815 another effort had been made to put colonial trade on the same footing as direct trade with the mother country. Again Great Britain refused, shut our ships from the Islands, and laid almost prohibitive duties on American provisions even when brought in British ships. In 1816 Nova Scotia and New Brunswick imposed a duty of 20 shillings per ton on plaster of paris if taken by an American coaster from any port in those provinces to American ports east of Boston. The United States retaliated on March 3, 1817, by the plaster of paris act, under the terms of which foreign vessels could not bring plaster of paris to United States ports unless such vessels came from ports equally free to American ships. Nova Scotia and New Brunswick thereupon repealed their instructions and on April 15, 1818, Congress passed a navigation act directed against the British West Indies, providing that no vessel owned either wholly or in part by a British subject could enter the United States if it came from a British port from which American-owned vessels were excluded. It was provided also that a British ship clearing from American ports with American products should give bonds not to land her cargo at any British port closed by the first section of the act. The governors of the West Indies protested, and the British government on May 8, 1818,

* *Register of Debates*, vol. v., pp. 134–137; Benton, *Abridgment*, vol. x., pp. 282–283.

† *Register*, pp. 137–153, 168–175, 187–195; Benton, vol. x., pp. 283–295, 300–306, 311–315.

constituted Halifax and St. John free ports in which West Indian products could be exchanged for American goods. Congress again retaliated on May 15, 1820, by closing American ports to British vessels from New Brunswick, Nova Scotia, Lower Canada, Newfoundland, Cape Breton, the Bahamas, Bermuda, Caicos, and from every port or place belonging to Great Britain in the West Indies or on the continent of America south of the United States, requiring also that British West Indian goods must be imported direct from the place of production. This forced Parliament to pass an act on June 24, 1822, admitting American ships laden with certain goods into specified ports of Canada, Newfoundland, Nova Scotia, New Brunswick, and the West Indies, but American goods were taxed 10 per cent. higher than similar articles coming from the British North American colonies.* On August 24, 1822, President Monroe issued a proclamation† opening the ports of the United States to vessels of Great Britain employed in the trade and intercourse between the British Islands and colonies, but the products were to be subject to a similar duty of 10 per cent. when brought in British vessels, and a further duty of $1 per ton was imposed. On March 1, 1823, however, Congress passed an act reducing the tonnage duty to 96 cents and limiting British ships to a direct trade between the colonies and the United States. On June 17, 1823, Great Britain retaliated by imposing a duty of 4s. 6d. per ton on American ships trading in the West Indies. As a result, an illicit trade sprang up, smuggling flourished, and thousands of dollars' worth of goods passed through the custom houses duty free, under fictitious names. Two years later Great Britain revised her policy and by acts of June 27 and July 5, 1825, offered reciprocity to nations having colonies, but to nations without colonies she offered the trade in her colonial ports that was given to her and her colonies in their ports, provided this proposition were accepted within a year. These acts were never officially made known to the United States, but the act of July 5 was submitted to Congress. That body took no action, and the minute the session closed Adams sent Albert Gallatin to London to reopen the negotiations.* Gallatin arrived in London in August of 1826, but before he had time to act he was met

"by an order of the British Council* excluding from and after the first of December now current the vessels of the United States from all the colonial British ports, excepting those immediately bordering on our territories. In answer to his expostulations upon a measure thus unexpected, he was informed that, according to the ancient maxims of European nations having colonies, their trade is an exclusive possession of the mother country; that all participation in

* *American State Papers, Foreign Relations,* vol. v., pp. 231–240.

† Richardson, *Messages and Papers,* vol. ii., pp. 184–185.

* Schouler, *United States,* vol. iii., p. 392 *et seq.;* McMaster, vol. v., pp. 483–487.

† For text see *Niles' Register,* vol. xxxi., pp. 77–79.

it by other nations is a boon or favor not forming a subject of negotiation, but to be regulated by the legislative acts of the power owning the colonies; that the British government therefore declines to negotiate concerning it, and that as the United States did not forthwith accept purely and simply the terms offered by the act of Parliament of July, 1825, Great Britain would not now admit the vessels of the United States even upon the terms on which she has opened them to the navigation of other nations." *

The motive of this peremptory refusal to treat was not clear, even placing the conduct of the United States in its most unfavorable aspect, but Canning avowed a purpose of ascertaining whether by allowing trade with the rest of the world and prohibiting it to the United States, the West Indies could be made independent of the United States.† In the face of such an experiment, the United States could only resort to the old system of retaliation. In his message of December 4, 1827, Adams said:

"The British government have not only declined negotiation upon this subject, but by the principle they have assumed with reference to it have precluded even the means of negotiation. It becomes not the self-respect of the United States either to solicit gratuitous favors or to accept as the grant of a favor that for which an ample equivalent is exacted. It remains to be determined by the respective governments whether the trade shall be opened by acts of reciprocal legislation." *

Congress had been unwilling to settle the difficulties. The subject had been discussed at great length early in 1827, but at the last moment a bill was lost by a disagreement. Accordingly the only thing Adams could do was to issue a proclamation on March 17, 1827:

"that the trade and intercourse authorized by the said act of Parliament of the 24th of June, 1822, between the United States and the British colonial ports enumerated in the aforesaid act of Congress of the 1st day of March, 1823, have been and are, upon and from the 1st day of December, 1826, by the aforesaid two several acts of Parliament of the 5th of July, 1825, and by the aforesaid British order in council of the 27th day of July, 1826, prohibited." †

CHAPTER XXXVI.

1824–1828.

THE TARIFF CONTROVERSY.

The growth of industries — The demand for protection — Debate on the tariff of 1824 — Passage of the act — Threats of Hayne and Randolph — Dissatisfaction with the tariff — Recommendations of the Harrisburg Convention — The woolens bill of 1827 — Southern opposition to tariff revision — Debate on and passage of the "tariff abominations" in 1828 — Influence of politics on the tariff — Propositions of retaliation and nullification — Denunciation and protests of the Southern States.

Meanwhile the country had been passing through an industrial revolution. Cotton-growing had been made wonderfully profitable by the Whitney cotton gin, while the inventions of Hargreaves, Arkwright and Crompton had stimulated the demand for cotton. The combination of these two factors, the great demand for the article, and

* Second annual message of President Adams, December 5, 1826, Richardson, *Messages and Papers*, vol. ii., p. 355; *Niles' Register*, vol. xxxi., p. 236. For Gallatin's letters see Gallatin's *Writings*, vol. ii., p. 321 *et seq.* See also Adams, *Life of Gallatin*, p. 615 *et seq.*; *Niles' Register*, vol. xxxi., p. 266 *et seq.*

† Schouler, *United States*, vol. iii., p. 394.

* Richardson, *Messages and Papers*, vol. ii., p. 383.

† *Ibid*, vol. ii., pp. 375–376.

the possibility of supplying it with ease and profit, made cotton planting the great industry of the South. The production had increased by leaps and bounds within a comparatively short time — from 2,000,000 pounds in 1791 to 280,000,000,000 in 1821. Owing to the devotion of her energies to this single industry, the South had neglected other trades and industries. Her great natural resources were left undeveloped, and machine-shops, factories, rolling mills, cotton mills, mines, etc., were comparatively unknown.* In the North, on the other hand, everything which served to develop the material resources or to increase the prosperity and comfort of the people was assiduously cultivated. Better times and a general revival of business had followed the depression of 1819, when manufacturing establishments began to multiply. In 1825 the largest cotton mill in the country was located at Saco, Maine. In New Hampshire 60 others could be counted, while in the same state there were more than 300 tanneries, 200 bark mills and numerous paper mills. Middlebury, Vermont, had become an important manufacturing town. In Massachusetts there were 161 mills and factories, capitalized at $30,000,000, while in Providence, Rhode Island, and its neighborhood were 150 manufacturing establishments, employing 30,000 men and women. Providence then claimed to be the wealthiest city of its size and population in the world. Each year cloth valued at $18,000,000 came from the cotton mills in New York, whose people also raised wool and made hats, paper, glass, iron, and leather in great quantities. At Jersey City were carpet, glass and porcelain works, and at Paterson cotton, flax, and iron factories. In Philadelphia were 400,000 weavers; hat-making was the principal industry of Reading; in the little county of Delaware were 157 mills and factories; and Pittsburg was the centre of the great coal and iron industry.*

It was inevitable that the development of new industries should give rise to a demand for protection by the Government. Several bills with this object in view had been introduced, but had failed to pass.†

When the Eighteenth Congress met it was to be expected that domestic industries would receive greater protection, for Clay was again Speaker and the States which favored a new tariff had more representatives in the House than ever before. In his message of December 2, 1823, President Monroe recommended "a review of the tariff for the purpose of affording additional protection to those articles which we are prepared to manufacture, or which are more im-

* See Von Holst, *Constitutional and Political History*, vol. i., chap. ix.

* McMaster, vol. v., pp. 229–230.

† See Chapters XXVI. and XXXI., *ante*.

mediately connected with the defence and independence of the country." * His words were referred to the Committee on Manufactures, and on January 9, 1824, a bill was reported arranging imported goods, wares and merchandise into two classes.† The first class consisted of silks, linens, cutlery from Great Britain, spices from the Indies, and numerous articles manufactured in foreign countries, the importation of which would not interfere with home industries. On these articles a tariff for revenue was to be laid. In the second class were cotton cloth, cotton bagging, wool and woolen goods, hemp, glass, iron, and lead, on which a highly protective duty was to be laid. While the committee was laboring with the bill, various petitions and memorials were presented, both favoring and opposing tariff revision.‡ The cotton and wool manufacturers, the growers of wool, the mechanics of the great cities, and those whose business was languishing because of competition with British goods, favored protection; while the grain manufacturers, hardware dealers, the tallow candlers, and various other merchants opposed revision. The anti-protectionists urged that Congress had no right to tax imports to foster manufactures; that many of the articles on which it was planned to lay a duty were greatly needed by the South, and if heavily taxed would have to be purchased from the North at much higher prices; that the agriculturists should not pay tribute to the manufacturers, etc. The commercial element among the anti-protectionists claimed that, instead of regulating commerce, the bill would destroy it and throw thousands of ship-builders, caulkers and others out of work, or at least compel them to seek employment in trades with which they were unfamiliar.

Discussion of the bill began in the House on February 10. The protectionist majority was not so great as some had anticipated, and it melted away under the skillful leadership of the opposition. Even the majority in favor of going into Committee of the Whole was small — 93 to 82. On some of the amendments proposed during the early part of the debate the majority was 30 or more; for example the motion to reduce the duty on woolen goods from 30 to 25 per cent. was defeated by a vote of 106 to 71. When the opposition failed to break the protection majority by radical amendments, it singled out weaker points and through these succeeded in greatly damaging and impairing the integrity of the bill. As originally reported, the bill provided that on all articles granting bounties by the

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* Richardson, *Messages and Papers*, vol. ii., p. 216. See also Thompson, *History of Protective Tariff Laws*, chaps. xv.–xvi.

† For text see *Annals of Congress*, 18th Congress, 1st session, pp. 960–965; *Niles' Register*, vol. xxv., pp. 315–317.

‡ Bishop, *History of Manufactures*, vol. ii., p. 290; O. L. Elliott, *The Tariff Controversy*, p. 231 *et seq.*; *Annals of Congress*, 18th Congress, 1st session, pp. 207–208, 3075–3105, 3107–3166, 3172–3190.

country from which they were exported, the amount of such bounty should be added to the duty on importation into the United States. The opposition claimed that this infringed the commercial treaty with Great Britain which forbade the imposition of higher duties on its products than on similar products from other countries. Accordingly the section was struck out by a vote of 114 to 36. The protectionists suffered another bad defeat when the Committee of the Whole and the House rejected the principle that goods made of mixed materials should be classed as manufactures of the material charged with the highest rate of duty. The debate continued in the House until April 16, when the bill was passed by a vote of 107 to 102.* It was received by the Senate on April 19; was referred to the Committee on Commerce and Manufactures, by whom it was reported with amendments on April 24; was under discussion in the Senate from April 28 to May 13, when it was passed by that body by a vote of 25 to 21.† A conference committee adjusted the differences between the two Houses and on May 22 the President approved the bill.*

The debate on this bill was one of the ablest and most profound in the history of Congress. It was said that protection on manufactures was unequal, burdensome and unjust, for the North and East had capital, population, and free labor, while the West had no and the South but little capital, and that the latter section had only a sparse population and slave labor. If the bill were passed, the mercantile interests would be ruined and thousands of persons thrown out of work. The ability to purchase being cut off, the merchants would lose their custom and imports would decrease. With a decrease of imports would come a diminution of revenue, and that meant increase of debt and taxation. James Hamilton, of South Carolina, said that the Constitution granted Congress no power to encourage manufactures, but simply gave the power to impose duties on imports for revenue purposes.† But every revenue law must be uniform throughout the country. As the proposed measure was not uniform in its taxation, it was unjustifiably wrong,

* For the debate in the House see *Annals of Congress*, 18th Congress, 1st session, pp. 1469–1502, 1506–1528, 1540–1590, 1612–1616, 1625–1661, 1665–1701, 1705–1731, 1735–1761, 1791, 1857–1873, 1880–1904, 1907–1913, 1915–1945, 1962–2343, 2357–2395, 2400–2430, 2620–2629, 2632–2635, 2672–2675; Benton, *Abridgment*, vol. vii., pp. 666–679, 694–698, 707–761, and vol. viii., pp. 9–37.

† For the entire debate in the Senate, see *Annals of Congress*, 18th Congress, 1st session, pp. 583–744, 754–757, 759, 765; Benton, *Abridgment*, vol. vii., pp. 568–586.

* Stanwood, *Tariff Controversies*, vol. i., pp. 202–206; Von Holst, *Constitutional and Political History*, vol. i., p. 403; Benton, *Thirty Years' View*, vol. i., p. 34. Schouler (*United States*, vol. iii., p. 298) gives the votes a little differently. For text see *Annals*, pp. 3221–3226. *Niles' Register* (vol. xxvi., pp. 121–124) gives the text as it passed the House and on pp. 207–209 as it became law.

† Von Holst, *Constitutional and Political History*, vol. i., pp. 401–402.

for the people of South Carolina would pay $563,000 on the cotton bagging, woolens, etc., they consumed each year, which sum was raised by taxation for the avowed purpose of being given to the woolen manufacturers of the North and the cotton bagging makers of Kentucky.*

Besides discussing the general principles of tariff policy, various specific items were singled out for debate. A motion was made to reduce the duty on woolen goods from 30 to 25 per cent. The Committee on Manufactures originally proposed to lay a duty of 30 per cent. until June 30, 1825, and of 33 1/3 per cent. thereafter; that all woolen cloths or cloths of which wool was a component material, with the exception of carpets, carpetings, flannels, baizes, and other unmilled woolen or worsted stuff-goods, which, with an additional 10 per cent., should cost less than 80 cents per square yard at the place of exportation, should be considered as having cost 80 cents and on this basis the duty should be levied; that a similar minimum of 40 cents per square yard be placed on flannels, baizes, and other unmilled woolen goods; and that Brussels and other higher grade carpets should pay 50 cents per square yard and other carpets and carpetings 20 cents. In its final amended form the bill laid a tax of 30 per cent. until June 30, 1825, on all manufactures of wool, save blankets and worsted stuff-goods (which paid 25 per cent.), and thereafter 33 1/3 per cent.; but there was a proviso that only 25 per cent. should be levied on such manufactures, save flannels and baizes costing more than 33 1/3 cents per square yard at the place whence imported. Thus the minimum clause had been stricken out and a contrary policy adopted that the lower-priced goods should bear a lower instead of a higher rate than the high-priced goods. At first the Committee had voted to retain the woolen clauses by a vote of 106 to 71, but later Tod moved that the minimum on high-priced woolens be reduced to 40 cents. This caused so much surprise among the advocates of the bill that the motion was withdrawn. A motion was made and passed that the minimum clause be stricken out altogether, but the friends of the bill finally succeeded in rejecting this amendment. The Senate, however, radically amended the clauses and the House was obliged to submit.*

There was little debate on the clauses relating to cotton goods, since the bill did not propose to raise the duty but merely to change the minimum from 25 to 35 cents. As all goods costing less than 25 cents per square yard were assessed at 25 cents, this was equivalent to laying a specific duty of at least 6¼ cents per yard. Since the cost of goods had been lowered by competition, this rate was

* McMaster, vol. v., pp. 233–234.

* Stanwood, *Tariff Controversies*, vol. i., p. 226 *et seq.*; Dewey, *Financial History*, pp. 174–176.

prohibitory and American manufacturers no longer feared their foreign rivals. The only advantage of raising the minimum would be to enable the Americans to make finer goods. The anti-protectionists endeavored to abolish the minimum altogether and, while they did not succeed, prevented it from being raised to more than 30 cents. There were other contests on hemp, cotton bagging, and iron duties. The Northern opponents of the bill wanted free hemp for the benefit of their shipping and the Southerners wanted free bagging for their cotton, and both succeeded in reducing the rates originally proposed in the bill, which were 2 cents a pound on hemp and 6 cents per square yard on cotton bagging. The provisions of the act as passed levied a duty of $35 per ton on hemp and 3¾ cents per square yard on bagging. Under the act of 1816 the duty on bar iron was 75 cents per hundred-weight and the committee suggested that this be raised to $1.12. The opponents of the bill endeavored to retain the old rate and finally succeeded in compelling the protectionists to be satisfied with a rate of 90 cents.*

In the Senate the debates added little to the discussion in the House, but one speech was made which deserves to be mentioned in the light of the events of the next few years. On April 30, in speaking of the constitutionality of the bill, Robert Y. Hayne, of South Carolina, said:

"I must be permitted while on this topic, to declare that, however this bill may be modified, still the system is one against which we feel constrained, in behalf of those we represent, to enter our most solemn protest. Considering this scheme of promoting certain employments at the expense of others as unequal, oppressive, and unjust, viewing prohibition as the means and the destruction of all foreign commerce the end of this policy — I take this occasion to declare that we shall feel ourselves justified in embracing the very first opportunity of repealing all such laws as may be passed for the promotion of these objects. Whatever interests may grow up under this bill, and whatever capital may be invested, I wish it to be distinctly understood that we will not hold ourselves bound to maintain the system; and if capitalists will, in the face of our protests and in defiance of our solemn warnings, invest their fortunes in pursuits made profitable at our expense, on their own heads be the consequences of their folly." *

John Randolph was not so careful of his words:

"I do not stop here, sir, to argue about the constitutionality of this bill; I consider the Constitution a dead letter; I consider it to consist, at this time, of the power of the General Government and the power of the States — that is the Constitution. * * * If, under a power to regulate trade, you prevent exportation; if, with the most approved spring lancets you draw the last drop of blood from our veins, if *secundum artem*, you draw the last shilling from our pockets, what are the checks of the Constitution to us? A fig for the Constitution! When the scorpion's sting is probing to the quick, shall we stop to chop logic? * * * There is no magic in this word *union*."

For a time everything went well under the new tariff. Money, hereto-

* Stanwood, *Tariff Controversies*, vol. i., p. 231 *et seq.* See also Taussig, *Tariff History*, p. 74 *et seq.*; Bishop, *History of Manufactures*, vol. ii., pp. 291–293.

* *Annals of Congress*, 18th Congress, 1st session, p. 649. For an estimate of Hayne's influence upon the tariff bill, see Jervey, *Robert Y. Hayne and His Times*, pp. 154–157. Jervey (pp. 158–167) gives a splendid resumé of the entire speech.

fore invested in ships and foreign commerce, was withdrawn and employed in the erection of cotton mills, woolen mills, factories, etc., but soon conditions arose which prostrated the wool and woolen industries. The multiplication of mills tended to bring down prices, and woolen goods began to be imported from Great Britain in immense quantities. This latter condition had been due to several causes. Great Britain had reduced the duty on imported wool from twelve pence to one penny a pound, which enabled English manufacturers to sell woolen goods cheaper than ever before.* British markets had become overstocked and an industrial crisis faced the British manufacturers, as a result of which they pushed their goods into foreign markets and were even willing to sell them at a loss.† Again, the duty on woolen cloth was *ad valorem* and the British manufacturers broke down the tariff by undervaluing their goods. Another cause was the package sales at auction. The American manufacturer could not contend against such conditions, for while about half the wool needed by the mills was of domestic growth, the other half came from foreign countries. To the prices of foreign goods must be added an import duty of 30 per cent. and freight charges, exchange, insurance, etc., which added 25 per cent. more. Hence, for half the raw material used American manufacturers paid 50 per cent. more than English manufacturers. Thus the American manufacturer lost one-half the benefit of the duty of 33⅓ per cent. which had been imposed on imported cloth. The struggle between British and American woolen manufacturers was therefore short and decisive and by 1826 the woolen industry was prostrate.*

Again, some were of the opinion that the bill encouraged manufactures at the expense of agriculture. In December of 1824 the tariff act passed at the previous session of Congress was taken under discussion in the South Carolina legislature, at which time a committee reported that if the bill harmed the agricultural interests, it would meet with decided disapproval. However, as the Federal judiciary had not decided whether or not the act was constitutional no action was taken at this time, but three resolutions were adopted: that the legislature had no power to impugn the acts of the Federal government or the Supreme Court decisions; that the exercise of such a power by the State would be an act of usurpation; and that the Representatives were responsible only to the people themselves.†

The first public movement for the purpose of remedying these conditions was instituted at a meeting of manufacturers of woolen goods at

* Taussig, *Tariff History*, p. 79.

† Dewey, *Financial History*, p. 176. See also *Niles' Register*, vol. xxxi., pp. 26–28, 49–57.

* McMaster, vol. v., pp. 240–241.

† David F. Houston, *Critical History of Nullification in South Carolina*, in *Harvard Historical Studies*, vol. iii., p. 30.

Boston on September 14, 1826. It was then unanimously decided to petition Congress for an increase of duties.* At an adjourned meeting on October 23, a memorial was adopted in which the reasons for the request were given at length.† This memorial stated that the country could not produce enough wool to supply the demand, that the importation of wool was a necessity, and that the cost of the foreign article controlled the price of the domestic supply. While the duty on foreign wool had been increased 15 per cent. by the tariff of 1824, the duty on manufactured goods had been advanced only 8 per cent. But the woolen manufacturers did not ask for a change in the duty on wool, as that would add to their burden; nor did they ask for an increase of the *ad valorem* duty on manufactured goods; but they simply asked that a specific duty be imposed on each square yard of cloth imported with the adoption of the minimum principle.‡ At the same time (November 10, 1826) a circular was sent to each manufacturer of woolen goods in the United States appealing to him to aid in sustaining American industries, and to organize for the purpose of securing favorable action by Congress and of arousing the people to the importance of granting relief to the woolen industry.‖

So numerous did the petitions become that finally Congress was impelled to take action. The petitions were referred to the Committee on Manufactures, and on January 10, 1827, Rollin C. Mallary, of Vermont, chairman of the committee, reported the famous woolens bill.* This provided that while the duty on woolen goods was still to remain at 33⅓ per cent., the cloth valued at 40 cents or less per square yard at the place of importation should be considered to have cost 40 cents; that all cloth costing more than 40 cents or less than $2.50, should be valued at $2.50; that all cloth costing between $2.50 and $4.00 should be valued at the latter figure and pay duty accordingly. The duty on raw wool was to be 35 per cent. after June 1, 1828, and 45 per cent. after June 1, 1829. Wool costing from 10 to 40 cents a pound was to be considered to have cost 40 cents.†

The bill was taken under consideration on January 17 and was debated until February 10, when it was passed by a majority of 11 (106 to 95).‡ Little new was added to the tariff

* *Niles' Register*, vol. xxxi., p. 105.

† *Ibid*, vol. xxxi., pp. 185–186.

‡ Stanwood, *Tariff Controversies*, vol. 1., pp. 253–254.

‖ *Niles' Register*, vol. xxxi., pp. 200–201.

* *Register of Debates*, vol. iii., p. 732; *Niles' Register*, vol. xxxi., p. 319; Benton, *Abridgment*, vol. ix., p. 379; O. L. Elliott, *The Tariff Controversy*, p. 238 *et seq.*

† McMaster, vol. v., p. 242; Stanwood, *Tariff Controversies*, vol. i., p. 255; Taussig, *Tariff History*, pp. 80–81; Bishop, *History of Manufactures*, vol. ii., p. 314.

‡ For the debate see *Register of Debates*, vol. iii., pp. 733–751, 778–788, 791–805, 820–836, 857–878, 881–894, 902–914, 938–948, 957–986, 994–1029, 1053–1099; Benton, *Abridgment*, vol. ix., pp. 379–382, 394–401.

argument, but at this time political intrigues complicated the situation, as C. C. Cambreleng, of New York, who characterized the bill as a "prohibitory act for the benefit of the woolen manufacturers of New England," strongly hinted that the Pennsylvania members make a doubling of the duty on bar iron a condition of their support of the bill. At this time Cambreleng was engaged with Martin Van Buren in securing support for Jackson in opposition to President Adams. Since Jackson had voted for the act of 1824 and had declared in favor of a "judicious" tariff for protection, it was important to deal a blow at New England by refusing its manufacturers relief, and yet not to seem to reject the principle of protection by defeating the bill directly. Thus if Cambreleng could induce protectionist Pennsylvania to oppose the bill, he not only would prevent an increase of the tariff (at the same time serving his New York constituents), but would array Pennsylvania against New York politically and further Jackson's interests. James Buchanan entered heartily into the scheme, but suggested and followed a wiser plan. He emphasized the wrong to be done the hemp growers by giving relief exclusively to woolens. It was feared that through Clay's influence the Kentucky vote would be given for the reëlection of Adams. Thus Jackson's friends posed as advocates of the plan to assist the Kentucky hempgrowers, thereby forcing the New Englanders either to array themselves against Buchanan's scheme or to complicate with other matters the one object they had in view. This shrewd maneuvre accomplished its object since almost all the Kentucky members, and a large number of Pennsylvanians voted against the bill. In the Senate so many motions to refer and recommit were made that the time before the close of the session was too limited to permit of a debate on the merits of the bill. Hayne, of South Carolina, then moved that the bill be laid on the table and the motion was carried by the casting vote of Vice-President Calhoun.*

The defeat of this bill pleased the people of the South, for it was offensive to them in many ways. South Carolina was particularly outspoken in her opposition, thanking Robert Y. Hayne and William Drayton for their faithful exertions against the bill. Hayne warned the people that the woolens bill would be brought up again the next session and said that the South should firmly and unanimously remonstrate against it.† Acting on this advice, the Charleston Chamber of Commerce framed such a remonstrance and submitted it to the people for adoption.‡ Another memorial was adopted by the people of the Colleton district, in which it was

* Stanwood, *Tariff Controversies*, vol. i., pp. 255–259; Taussig, *Tariff History*, p. 82; McMaster, vol. v., p. 242; Hunt, *Life of Calhoun*, p. 64.

† *Niles' Register*, vol. xxxii., pp. 265–266.

‡ *Ibid.* pp. 295–298.

said that Congress should solemnly consider the precise point at which resistance may begin and submission end on the part of the people of the South.* The citizens of Richland district, South Carolina, said in their memorial:

"The duties laid by Congress, of whatever description, are levied in great part on articles purchased by Southern industry and consumed by the South; but these duties are expended almost exclusively for the benefit of other sections of the Union. * * * All that we pay is accumulated in defending and improving distant sections of the Union, and the prosperity of the North is built upon the impoverishment of the South. Although we have long submitted without complaint, the inequality and injustice of this state of things is becoming too glaring to remain unnoticed, and the burdens it imposes on us too heavy to be borne in silence any longer." †

The farmers and wool growers of Pennsylvania also united for action, and on May 14, 1827, a call was sent out by the Pennsylvania Society for the Promotion of Manufactures and the Mechanic Arts inviting the friends of the American system in each State to send delegates to a National convention to be held at Harrisburg on July 30, 1827, for the purpose of considering "the present state of the wool-growing and wool-manufacturing interest and such other manufactures as may require encouragement.‡ This appeal was met by a hearty response, and all over the Middle and Eastern States conventions were held and delegates appointed to attend the Harrisburg meeting. The Maine delegates did not attend, but Virginia, Delaware, Maryland and Kentucky were represented. This action gave new cause for offence to the people of South Carolina. In its address the Charleston Chamber of Commerce asked that the towns in the interior of the State coöperate and, moved by the call, the people of Columbia and the planters of that vicinity met on July 2 and listened to a speech by Dr. Thomas Cooper. He read accounts of the election of delegates to the Harrisburg Convention, and then continued:

"You see, then, that is a combined attack of the whole manufacturing interest [of the North]. * * * The avowed object now is * * * to tax us [of the South] for their own emolument; to claim the right of disposing of our honest earnings; to forbid us to buy from our most valuable customers; to force on us a system whose effect will be the sacrifice of the South to the North, by converting us into colonies and tributaries. * * * We shall ere long be compelled to calculate the value of our union; to enquire of what use to us is this unequal alliance by which the South has always been the loser and the North always the gainer? Is it worth our while to continue this union of States where the North demands to be our master? * * * The question is fast approaching the alternative of submission or separation. Most anxiously would every man who hears me wish on fair and equal terms to avoid it. But if the monopolists are bent upon forcing the decision upon us, with them be the responsibility." *

Having finished his speech, Dr. Cooper moved that a set of resolutions be adopted declaring that no law which infringed the equality of rights was unconstitutional; that protecting

* *Niles' Reigster*, p. 349.

† *American State Papers, Finance*, vol. v., p. 707. On the petitions and memorial see also McMaster, vol. v., p. 244 *et seq.;* Stanwood, *Tariff Controversies*, vol. i., p. 260 *et seq.*

‡ *Niles' Register*, vol. xxxii., pp. 237–240; Schouler, *United States*, vol. iii., p. 425.

* *Niles' Register*, vol. xxxiii., pp. 28–32.

one class of citizens at the expense of the rest was also an infringement; that industries which did not yield a reasonable profit were unworthy of protection; that if they did yield a fair return they needed no protection; and that Congress had no right to impose duties for protective purposes. A similar set of resolutions was adopted at Georgetown, South Carolina. In 1827 appeared a series of articles entitled *The Crisis* or *Essays on the Usurpations of the Federal Government by Brutus* (Robert J. Turnbull, of Charlestown). Brutus called upon his fellow citizens to resist the oppressive policy of the general government. He said that not only was the Government exceeding its powers in the matters of tariff and internal improvement, but the presses were fulminating anathemas against the policy and system of the South, insurrectionary documents were being scattered broadcast, and an insidious attack was being meditated against the tranquillity of the South. Hence the South should warn the Government to mind its own business; it was not a case for reasoning or negotiation; it must be a word and a blow; and if this policy failed, the two sections should separate.* On July 30, 1827, the Harrisburg Convention began its sessions which lasted five days. Various committees were appointed to prepare memorials and addresses and after these had reported, the reports were referred to a committee appointed to draft a memorial to Congress. Several resolutions were offered, the most important of which requested a higher duty on wool, specific duties and the establishment of minima upon woolen goods. Resolutions were adopted also recommending a duty of one cent on hammered bar iron, further protection to hemp and flax, a readjustment of the cotton duties so as to protect printed cotton goods, and the discouragement of the importation of distilled spirits and the distillation of spirits from imported materials. It was asked that a duty of 20 cents a pound be levied on all wool costing 8 cents per pound, which duty should be increased annually by 2½ cents until it should reach 50 cents. With certain exceptions, a duty of 40 per cent. on woolen goods was requested, which duty should be increased after one year to 45 per cent. and after two years to 50 per cent. The convention suggested four minima — all goods costing 50 cents or under were to be considered as having cost 50 cents; and the other minima were $2.50, $4 and $6.* Thus it was evident that the convention wished to put the duty on wool at a prohibitory figure so as to exclude many classes of woolen goods.†

* Houston, *Nullification in South Carolina*, pp. 49–51.

* *Niles' Register*, vol. xxxii., p. 388.

† Taussig, *Tariff History*, p. 83; Stanwood, *Tariff Controversies*, vol. i., pp. 264–268; McMaster, vol. v., pp. 249–251. The proceedings of the convention, the address, the memorial, etc., are in *Niles' Register*, vol. xxxii., p. 388 *et seq.*, and vol. xxxiii., pp. 100–112, 123–128, 138–144, 149–160, 171–176, 188–192, 203–207.

When Congress convened in December of 1827, Andrew Stevenson, of Virginia, was elected Speaker of the House, and he so constituted the Committee on Manufactures that a majority of its members were anti-protectionists.* To this committee were referred the various memorials pouring in from all sections of the country, but no action was taken until December 24, 1827, when the memorial of the Harrisburg convention was sent in. The majority of the committee refused to accept this report as a basis for a bill, but instead requested and received permission from the House to send for persons and papers, that an investigation might be made. Mallary opposed this on the ground that it was only a pretext for delay.† While the committee was making these investigations various memorials began to come in from the State legislatures. New York, Pennsylvania and Rhode Island approved a revision of the tariff and protection for cotton, wool, hemp, flax and iron.‡ The South resisted any such attempt. The North Carolina legislature claimed that the power to lay import duties was given for the purpose of revenue only, and that any other use of that power was a usurpation on the part of Congress.* The committee appointed by the Senate of South Carolina made a detailed report on the matter which contained six resolutions, one of which declared that the tariff laws, designed not to raise revenue or regulate commerce but to promote industry, violated the Constitution and should be repealed.† The Georgia legislature, after listening to a report of a committee, directed the governor to send copies to Congress and the State legislatures, assuring them at the same time that Georgia would insist on the construction of the Constitution contained in the report, and would submit to no other.‡ In her protest, Alabama said that she regarded the protective tariff as unconstitutional, for the woolens bill amounted to little less than legalized pillage of the property of her citizens, and that every constitutional means would be used to resist it.‖ Ohio expressed the belief that the rights of the original States to promote industries by tonnage and import duties had been vested in Congress, and that the Constitution had given that body full power to protect

* McMaster, vol v., p. 251; Stanwood, *Tariff Controversies*, vol. i., pp. 268–269; Taussig, *Tariff History*, p. 87. Of the members of this committee, five supported Jackson and two supported Adams. Adams, (*Memoirs of John Quincy Adams*, vol vii., p. 369) says that Stevenson won the election to the Speakership by promising to appoint a committee favorable to the tariff.

† *Register of Debates*, vol. iv., pt. i., pp. 862–890.

‡ *Niles' Register*, vol. xxxiii., p. 391.

* MacDonald, *Jacksonian Democracy*, p. 82.

† *Niles' Register*, vol. xxxiii., p. 275.

‡ These memorials and reports will be found in *Ex. Docs.*, 62, 65, 97, 98, 120, 123, 20th Congress, 1st session, vol. iii. See also *Niles' Register*, vol. xxxiii., pp. 325–328.

‖ *Ex. Doc.*, 113, 20th Congress, 1st session, vol. iii. See also Ames, *State Documents on Federal Relations*, vol. iii., pp. 11–19.

manufactures.* The same view was taken by New Jersey, which State also made a long answer to the remonstrances of Georgia and South Carolina.† Besides the protests and memorials of the various State legislatures, petitions without number poured in from societies, chambers of commerce, manufacturers, wool growers, etc.‡

On January 31, 1828, Mr. Mallary, of the Committee on Manufactures, which had then completed its investigations,|| reported a bill§ prepared evidently in the expectation that it would not pass.¶ Accompanying the bill was a report by Silas Wright explaining the action of the committee, the principles upon which it proceeded, and the particular reasons for the various changes suggested. Nevertheless, though the majority of the committee were anti-protectionists, nothing was said hostile to the protective policy; but, on the other hand, while admitting that they had not gone to the extent proposed by some of the memorials, yet the committee said that they had gone as far as they believed, from the evidence taken by them, that the condition of the industries affected by them warranted. The only indication of insincerity was the failure of the committee to propose relief to the industry most needing it. Adequate and ample protection was afforded to iron, hemp, flax, molasses, spirits and printed cottons, but the plan of the Harrisburg Convention with respect to woolen goods was rejected.* Thus the protectionists' demand was denied at the most essential point. As a result the protectionist members of the committee were driven into the anomalous position of protesting against a bill which ostensibly was what they desired and which was supported by arguments familiar in their own mouths. That they might defeat protection or make it as odious as possible, the free traders and the politicians posing as protectionists endeavored to retain in the bill the high duties for which the real protectionists cared little or nothing and to prevent the incorporation of any amendment which would give the protectionists what they wanted.†

The Harrisburg Convention had prepared four minimum points: 50 cents, $2.50, $4 and $6; but the committee changed the last three to $1, $2.50 and $4. The Convention asked also for a progressive duty, 40, 45,

* *Ex. Doc.*, 156, 20th Congress, 1st session, vol. iv.

† *Ibid*, 198, 20th Congress, 1st session, vol. v.

‡ These will be found in *ibid*, vols. ii.–vi. *passim*.

|| The testimony is printed in full in *American State Papers, Finance*, vol. v., pp. 792–832. See also Bishop, *History of Manufactures*, vol. ii., pp. 321–322.

§ The bill as reported is in *Register of Debates*, vol. iv., pt. ii., pp. 1727–1729; *Niles' Register*, vol. xxxiii., pp. 383–384, 393–397.

¶ See the speech of Isaac C. Bates, in *Register of Debates*, vol. iv., pt. ii., p. 1999.

* Sumner, *Life of Jackson*, p. 204; Bishop, *History of Manufactures*, vol ii., p. 323.

† Stanwood, *Tariff Controversies*, vol. i., pp. 270–271.

and 50 per cent., but the committee proposed specific duties — 16 cents on the first class (50 cents or under) or a minimum *ad valorem* duty of 32 per cent., 40 cents on the second class (50 cents to $1), or a minimum *ad valorem* duty of 40 per cent.; $1 on the third class ($1 to $2.50), also 40 per cent.; an *ad valorem* duty of 40 per cent. on the fourth class ($2.50 to $4); and 45 per cent. on all goods costing more than $4 per yard.* But the protectionists objected to the dollar minimum and to the refusal of a progressive rate of duty. The Harrisburg rate of 40 per cent. on all the goods costing between 50 cents and $2.50 per yard (that is a duty of $1 per square yard) would exclude several classes of woolen goods which the manufacturers declared they could make after a time as cheaply as foreigners. The rate proposed was intended to be prohibitory, but the Committee on Manufactures denied them this prohibition.†

The object seems to have been to embarrass the manufacturers and make the bill unpalatable to the protectionists and the Adams men; in fact the bill was ingeniously framed with the intention of circumventing the Adams men, especially those from New England. This object is evident from several of the provisions of the bill. The exacting duty on hemp was $35 per ton, but the committee proposed to raise it immediately to $45 and further to increase it by an annual increment of $5 until the duty should reach $60. Kentucky produced large quantities of hemp suitable for making common rope and cotton bagging and for those purposes foreign hemp could not compete with the domestic product. The better quality of hemp suitable for making cordage and cables was not raised in the United States, the supply necessary for these purposes coming exclusively from importations. The preparation of this latter quality required so much disagreeable manual labor that the hemp growers would not undertake its production; hence an increase of the duty would not benefit the American grower and its only effect would be to burden the rope makers and the users of cordage and ultimately the ship-builders and ship owners.*

The duty on molasses was to be raised from 5 to 10 cents per gallon.

It had been customary to allow a drawback on the exportation of rum distilled from imported molasses. The bill of 1828 and the act as finally passed spitefully refused all drawbacks on rum, the intention obviously being to irritate the New Englanders. Again the animus of the bill appeared in the heavy duty on sail-duck. In 1824 the duty had been 15 per cent., but now the duty was 9 cents a yard

* Taussig, *Tariff History*, p. 94. Regarding this see also *Niles' Register*, vol. xxxiii., p. 400 *et seq.*

† Stanwood, *Tariff Controversies*, vol. i., p. 272 *et seq.* See also S. B. Harding, *The Minimum Principle in the Tariff of 1828*, in *Annals of the American Academy of Political Science*, vol. vi., pp. 100–114.

* Taussig, *Tariff History*, pp. 90–91.

with an annual increment of ½ cent until the duty should be 12½ cents, thus being equivalent to 40 or 50 per cent. Futhermore all drawback was refused on any quantity less than 50 bolts exported in one vessel at one time. The heavy duties on iron, hemp, flax, and wool were bitter pills for the Adams men, as was the refusal of drawbacks, whereas these provisions served to make the bill popular in the Middle and Western States. The whole scheme was a shrewd political trick, which, according to Clay, had its origin in the fertile brain of Van Buren.* The Southerners openly avowed their purpose to make the tariff so bitter a pill that the New Englanders could not swallow it.† As McDuffie afterward said: "We determined to put such ingredients in the chalice as would poison the monster and commend it to his own lips."

All the amendments offered by the protectionists were defeated and on April 3, 1828, the bill was reported to the House by the Committee of the Whole.‡ There the arguments were practically the same, and at last the House came to the final question.

It had been agreed that Jackson's friends of all shades, the protectionists of the North and the free-traders from the South would unite to stop any amendment and to force a vote on this bill, and on no other. When the final vote was taken, the Jackson men from the Southern States were to vote against it, and as it was supposed that the New England men would do likewise, the bill would thus be lost. The Jackson men from the North were to vote in favor of the bill, and thus the obloquy of defeating it would be cast on the Adams men, while the Northern supporters of Jackson would be able to pass as the true friends of the American system.* But the plan did not operate as had been intended, and the bill was passed by the House on April 22 by a vote of 105 to 94.† Save three members from Virginia and the entire Kentucky delegation, all the Representatives from States south of Maryland voted against the bill, as did the free-traders of the North. The whole Pennsylvania delegation except three absentees, 26 of the 34 New York members, 11 of the 13 Massachusetts members, 5 of the 7 New Hampshire members, and all of the Ohio, Kentucky and Vermont members voted for it.‡

* See his speech of February 1832 in his *Works*, vol. ii., p. 13.

† Taussig, *Tariff History*, pp. 93, 95, 97.

‡ For the debate see *Register of Debates*, vol. iv., pt. ii., pp. 1729–1797, 1835–1909, 1924–1945, 1978–2050, 2054–2079, 2089–2132, 2135–2156; Benton, *Abridgment*, vol. x., pp. 54–70, 74–77, 83–89.

* Taussig, *Tariff History*, pp. 84–86, 88–89; McMaster, vol. v., p. 255. The details of the plan are in Calhoun's *Works*, vol. iii., pp. 46–51. An account will be found also in Hammond, *Political History of New York*, vol. iii., p. 159; Dewey, *Financial History*, pp. 177–179.

† *Register of Debates*, vol. iv., pt. ii., pp. 2162–2188, 2199–2373, 2381–2406, 2413–2472; Benton, *Abridgment*, vol. x., pp. 90–118.

‡ Stanwood, *Tariff Controversies*, vol. i., p. 281. Taussig, (*Tariff History*, p. 98) divides the 105 yeas into 61 Adams men and 44 Jackson men. See also Sumner, *Life of Jackson*, p. 211; Dewey, *Financial History*, p. 180.

The bill then went to the Senate, where discussion began on May 5. After several unimportant amendments had been disposed of, the question of the molasses duty came up, the House having fixed the rate at 10 cents per gallon — virtually a prohibitory duty, which the Senate proposed to reduce 7½ cents. But the proposed reduction was rejected, as were many others offered from the floor.* The debate came to an end on May 12, when the bill was ordered to a third reading by a vote of 26 to 21. The next day, after a motion to postpone indefinitely had been defeated, the bill was passed by the same vote.† After a brief debate, the House concurred in the Senate amendment,‡ and the bill was signed by the President on May 19. Thus the "tariff of abominations" became law.‖ Bishop says that it was the first act regarded by the manufacturers as really protective of their interests and that it greatly promoted the growth of certain industries.§

The passage of the act seems to have depended largely on Webster, who, having decided to swallow the bill, carried with him enough of the New England Senators to ensure its passage. Webster said that even at 45 per cent. *ad valorem* the duty on woolens was barely sufficient to compensate for the duty on wool; but as the bill was finally amended so as to be more favorable to the manufacturers than as first passed by the House, he had voted for it.* While the change in the woolen schedule may have mollified the New Englanders, undoubtedly "other paramount considerations," as Webster put it, or in other words political motives, had much to do with its passage, since the New Englanders feared, if they rejected it, that the effect on the approaching campaign would be harmful. Randolph said that the bill "referred to manufacturers of no sort or kind, except the manufacture of a President of the United States." In 1833 Erastus Root, of New York, made the same assertion in Congress† and Benton intimates the same thing.‡

The pasage of this bill gave rise to threats of open resistance.‖ At New York the flags of some of the ships in port were placed at half-mast in mourning over a measure that was expected to give a death-blow to British commerce. At Charleston a

* Taussig, *Tariff History*, pp. 99–100.

† *Register of Debates*, vol. iv., pt. i., pp. 725–786; Benton, *Abridgment*, vol. ix., pp. 589–604.

‡ *Register of Debates*, vol. iv., pt. ii., pp. 2696–2714.

‖ Stanwood, *Tariff Controversies*, vol. i., pp. 282–288. For text see *Register of Debates*, vol. iv., pt. ii., app., pp. 15–17; *Niles' Register*, vol. xxxiv., pp. 203–205.

§ *History of Manufactures*, vol. ii., p. 324.

* See his *Works*, vol. i., p. 165, vol. iii., p. 241.

† *Register of Debates*, vol. ix., p. 1104. Regarding the political bearing of the Harrisburg Convention, see the note in Taussig, *Tariff History*, pp. 84–85.

‡ Benton, *Abridgment of Debates*, vol. x., p. 118, note.

‖ Stanwood, *Tariff Controversies*, vol. i., pp. 291–348, discusses at length the constitutional aspects of the tariff and the powers of Congress to afford protection.

similar incident occurred, the British shipmasters with poor taste setting the example which was followed by many Americans.* At an anti-tariff meeting at Walterborough, South Carolina, on June 12, 1828, addresses to the people and to the governor were adopted. The former address called upon the people to resist the law.

"Not secretly as timid thieves or sculking smugglers, not in companies and associations like money chafferers or stock jobbers, not separately and individually, as if this was ours and not our country's cause, but openly, fairly, fearlessly, and unitedly as becomes a free, sovereign, and independent people." †

The governor was urged to convene the legislature to consult regarding the situation of the republic created by the tariff, and a writer in one of the papers declared that this call meant that the legislature should take measures for the secession of the State. Other addresses and speeches of the same tenor were issued and made, and the people of the South seemed united in opposition.‡ But the governor of South Carolina refused to convene the legislature, and in a speech at Columbia on July 4 spoke strongly against disunion.|| One of the members of Congress from Alabama stated that, while he would not submit to oppression, he would resist disunion.* Newspaper after newspaper protested that such had not been their aim in opposing the tariff, but George McDuffie never passed an opportunity to recommend even an appeal to arms.† One writer in the Charleston *Mercury,* July 3, 4 and 8, 1828, suggested that the State nullify the law, open the ports, and force the general government to act. Merchants could refuse to pay duties; suits would come before the courts which would declare the law unconstitutional; and a plain issue would be made up between two sovereign parties. Thus the Government would be compelled either to amend the Constitution or to attempt coercion. Should coercion be attempted the course of the minority would be most glorious, but it would be absolutely impossible to amend the Constitution with one quarter of the States in sympathy

* *Niles' Register,* vol. xxxiv., pp. 201, 249. Regarding its effects see Stanwood, *Tariff Controversies,* vol. 1., p. 350 *et seq.*

† *Niles' Register,* vol. xxxiv., pp. 288–290; McMaster, vol. v., p. 256. See also Houston, *Nullification in South Carolina,* p. 74.

‡ McMaster, vol. v., pp. 255–259.

|| *Niles' Register,* vol. xxxiv., pp. 351–352.

* See *Niles' Register,* vol. xxxiv., pp. 300–301, 356 and vol. xxxv., p. 59. As to the constitutional right of nullification, Madison wrote to Rives as follows: "It is asked whether a state, by resuming the sovereign form in which it entered the Union, may not, if right, withdraw from it at will. As this is a simple question whether a state, more than an individual, has a right to violate its engagements, it would seem that it might be safely left to answer itself. * * * One thing at least seems to be too clear to be questioned: that while a state remains within the Union, it cannot withdraw its citizens from the operation of the Constitution and the laws of the Union. In the event of an actual secession, without the consent of the co-states, the course to be pursued by these involves questions painful in the discussion of them."—Madison's *Works* (Congress ed.), vol. iv., p. 290. In general see Curtis, *Constitutional History,* vol. ii., chap. i.

† *Niles' Register,* vol. xxxiv., pp. 302, 329, 339–340.

with South Carolina.* At Edgefield a meeting of citizens on July 26, 1828, recommended that the South suspend all commercial intercourse with the tariff States and in particular to abstain from purchasing the manufactures of the North and the horses, mules, hogs and cattle of the West. A committee was appointed to communicate with committees and meetings of other Southern States to insure union and concert.† Charles C. Pinckney gave a toast at a dinner: "The battle of the 28th of June and the tariff of June 28 — Let *New* England beware how she imitates the *Old.*"‡ Under the leadership of such men the people began to speak more plainly than ever, and the meetings of the legislatures of both Georgia and South Carolina were anticipated with unusual interest.

It was obvious that something must be done, but few were prepared for the action taken by South Carolina. In his message the governor urged that State to stand firm, for, said he, Congress was attempting to exercise powers not granted by the compact. The State should declare the act unconstitutional, void, and not binding on her people, and should bring this momentous question before every tribunal known to the Constitution and the laws, but should not attempt to separate herself from the other States, nor so act as to excite the hostile feelings of any other section.* The members of the legislature were in a militant mood, however, and appeared eager not only to denounce the tariff, but to go as far as secession, if such a course became necessary. The consensus of opinion seemed to be that the duties imposed for purposes other than revenue were unconstitutional; that the acts of 1824 and 1828 had been for such other purposes, and were therefore "deliberate, palpable, and dangerous infractions of the Constitution." It was therefore the duty of the State to declare the acts null and void.† Accordingly a committee was appointed in December of 1828 to prepare a protest against the tariff; to make a public exposition of the wrongs and the remedy; and to prepare an appeal to the other States, requesting their coöperation in such measures as might be necessary to stop the progress of the evil. This committee made an elaborate report, originally drafted by Calhoun,‡ expounding at length the doctrine of nullification, and now known as the South Carolina exposition of 1828.||

* Houston, *Nullification in South Carolina*, pp. 75–76; *Niles' Register*, vol. xxxv., p. 61.

† *Niles' Register*, vol. xxxv., p. 60; Houston, *Nullification in South Carolina*, p. 71.

‡ *Niles' Register*, vol. xxxiv., p. 352.

* Houston, *Nullification in South Carolina*, pp. 76–77.

† The various resolutions introduced are given in *Niles' Register*, vol. xxxv., p. 304 *et seq.*

‡ As to the manner in which Calhoun became connected with its preparation, see Houston, *Nullification in South Carolina*, pp. 78–79.

|| The original draft of the exposition is in Calhoun's *Works*, vol. vi., pp. 1–59 (ed. of 1855); Cooper's ed. of *Statutes-at-Large of South Carolina*, vol. i., pp. 247–273 (1836); *Niles' Register*, vol. xxxv., pp. 308–309; MacDonald, *Select Docu-*

After discussing the tariff question at large, the exposition ended with a discussion as to when it would be proper to interpose. As the committee knew that Jackson would soon be in the Presidential chair, it was recommended that South Carolina withhold her veto until another session of Congress had passed. This exposition and a set of resolutions to be spread on the Senate journal were adopted on December 19, 1828, and on February 10, 1829, the protest was laid before the Senate and ordered to be printed.*

The legislature of South Carolina was not alone in its action, for her example had been followed by Georgia and Alabama.† Georgia presented two protests to Congress. One, without date, was read in the Senate on January 12, 1829, and ordered to be printed;‡ the other, dated December 10, 1828,‖ (though not approved by the governor until December 20) was presented in the House on January 14, 1829.* In this protest it was said that the tariff law was unconstitutional, deceptive in its intentions, fraudulent in its pretext, oppressive in its exactions, partial and unjust in its operations, unconstitutional in its well known objects, and ruinous to commerce and agriculture. The old Crawford party in Georgia opposed nullification. At a meeting at Athens on August 6, 1828, over which Crawford presided, a committee (consisting of Wayne, Troup, Cobb, Gilmer, Clayton and others) reported resolutions denouncing the tariff, but disclaiming all disunion sentiment and favoring constitutional remedies.† North Carolina declared that the new tariff violated the Constitution and was inimical to the interests of the State. Alabama denounced the bill as unconstitutional and as a pillage of the State.‡ The Mississippi Assembly declared the tariff impolitic, oppressive and contrary to the spirit of the Constitution, while Virginia argued that it was not authorized by a strict construction of the Constitution and asserted that each State possessed the right to construe the Federal compact for itself.‖

ments, pp. 231–234. For a resumé of the contents of the exposition, see McMaster, vol. v., p. 264 *et seq.*; Von Holst, *Constitutional and Political History*, vol. i., pp. 467–470; Hunt, *Life of Calhoun*, p. 71 *et seq.*; Von Holst, *Life of Calhoun*, p. 76 *et seq.*; G. M. Pinckney, *Life of Calhoun*, p. 57 *et seq.*

* *Register of Debates*, vol. v., pp. 52–58; Benton, *Abridgment*, vol. x., pp. 242–245.

† These protests are in *Ex. Docs.*, 33, 103, 20th Congress, 2d session.

‡ *Register of Debates*, vol. v., pp. 22–23; Benton, *Abridgment*, vol. x., p. 221.

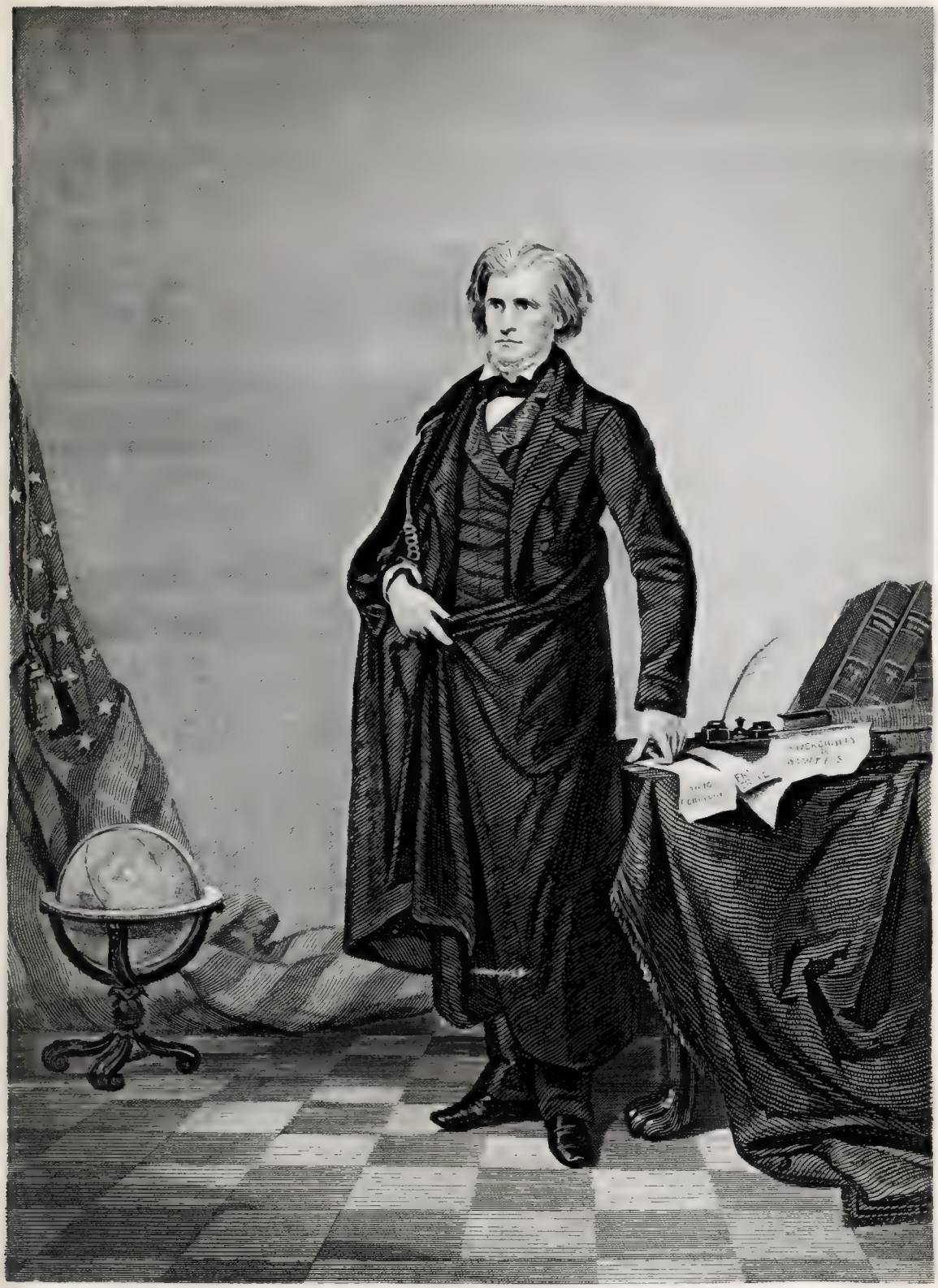
‖ Bishop, *History of Manufactures*, vol. ii., p. 333.

* MacDonald, *Select Documents*, pp. 234–237.

† *Niles' Register*, vol. xxxv., pp. 14–15.

‡ Sumner, *Life of Jackson*, p. 216.

‖ MacDonald, *Jacksonian Democracy*, p. 88.



J C Calhoun

CHAPTER XXXVII.

1816–1829.

THE NEGRO AND INDIAN PROBLEMS.

Early attempts to colonize negroes — Success of Robert Finley's efforts — The foundation of Liberia — Negotiations with England to prohibit the slave trade — Privileges of the free negroes — The question of slavery in Illinois — Status of the negro in Massachusetts and New York — Restrictions of the South Carolina laws — Aid for the Colonization Society — Activities of Benjamin Lundy and William Lloyd Garrison — The rendition of fugitive slaves — Attempts to abolish slavery in the District of Columbia — Georgia's dispute with the National Government over the Creek and Cherokee lands.

The great increase in negro population presented a problem as troublesome in the North as in the South. According to the census of 1810, there were 1,377,808 colored people in the United States, the vast majority of them slaves. Some stated that the criminal statistics showed that a large percentage of the persons convicted at the quarter sessions of the mayor's courts were negroes, while the prison statistics showed that the negroes constituted 16 per cent. of the convicts in Massachusetts, 25 per cent. in New York, 30 per cent. in New Jersey, 33 per cent. in Connecticut, and 35 per cent. in Pennsylvania. Hence it was said that the negroes were a burden to the community and a source of moral corruption no longer to be endured. Consequently, the moment a feasible plan of negro colonization was brought forward it met with hearty approval.

As far back as 1777 a committee of the Virginia legislature appointed to revise the State laws reported a bill for the gradual abolition of slavery, but the ensuing war prevented any attempt to carry out the idea. Ten years later William Thornton offered to lead a colony of blacks from Rhode Island and Massachusetts to the west coast of Africa, but, as funds were insufficient, the effort was abandoned, and the colonization scheme was forgotten for more than a decade.* In 1800 the Virginia legislature instructed the governor to correspond with the President regarding the purchase of lands beyond the limits of Virginia to which "persons obnoxious to the laws or dangerous to the peace of society may be removed."† But this plan shared the fate of its predecessors, and nothing more was done until 1816. In December of that year Charles F. Mercer, a member of the Virginia House of Delegates, secured the passage of a resolution by the terms of which the governor was to correspond with the President for the purpose of establishing an asylum for free negroes on the coast of Africa, on the shores of the northern Pacific,

* McMaster, vol. iv., pp. 556–557.

† Wilson, *Rise and Fall of Slave Power*, vol. i., p. 210.

or some other place outside the United States and its territories.* The real originator of the colonization movement, however, was Dr. Robert Finley, of Baskingridge, New Jersey, who thought that, since the whites had brought the negroes to this country, they ought to repair the wrong in the best manner possible. In the autumn of 1816 he and a few friends prepared a memorial requesting the New Jersey legislature to use its influence with Congress in an effort to secure the adoption of some plan for the colonization of free negroes. As this movement was futile, Dr. Finley went to Washington to promote the formation of a National Colonizing Society and to enlist in the movement as many Senators and Congressmen as possible. On December 21, 1816, a meeting, at which Henry Clay presided, was held for that purpose. The chairman explained the object of the meeting and that abolition and emancipation were not to be considered, since the object of the Society was merely to relieve the condition of free negroes.† After speeches by John Randolph and a few others, committees were appointed to frame a constitution and memorial. The constitution was adopted and the association named "The American Society for the Colonizing of the Free People of Color of the United States." On January 1, 1817, Judge Bushrod Washington, of the Supreme Court, was chosen president, and several well known men consented to act as vice-presidents.*

Though the negroes were greatly aroused at this action, the society continued upon its course and presented its petition to Congress on January 14, 1817.† The House Committee on Slave Trade approved the colonizing idea and introduced a resolution on February 11, 1817,‡ authorizing the President to negotiate with the governments of the world for the total and immediate prohibition of the slave trade. The President was to request also that Great Britain permit the entry of free slaves from the United States into her colony at Sierra Leone,‖ but if this were refused, he should obtain from the various maritime powers of Europe a stipulation guaranteeing the permanent neutrality of any free negro colony which might be established by the United States on the African coast. During this session of Congress, however, no action was taken by the House, but the society was so encouraged that in No-

* *Niles' Register*, vol. xi., p. 275 and vol. xv., sup., p. 43; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 211.

† Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 211–212.

* McMaster, vol. iv., pp. 560–562. See also *Niles' Register*, vol. xi., pp. 296, 355; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 212; John R. Spears, *The American Slave Trade*, pp. 163–164; Williams, *The Negro Race in America*, vol. ii., p. 52 *et seq.*

† The memorial is in *Annals of Congress*, 14th Congress, 2d session, pp. 481–483.

‡ The report of the committee is in *Niles' Register*, vol. xii., pp. 103–104; *Annals*, pp. 939–941; Benton, *Abridgment*, vol. v., pp. 711–712.

‖ Von Holst, *Constitutional and Political History*, vol. i., p. 330.

vember of 1817 Samuel J. Mills and Ebenezer Burgess were sent to Africa to ascertain the best location for such a colony. They first visited England, where the Secretary of State for the Colonies, Lord Bathurst, gave them letters to the officials at Sierra Leone. Arriving at that place in March of 1818, they were civilly treated, but were informed that no negroes from America were desired, whereupon they went down the coast and selected Sherbro Island as the site for the American colony. In May of 1818 the two agents started home, but on the voyage Mills died. In October Burgess arrived home, and so glowing was his account that the Society determined to embark on its project at once.

Two things were wanted, however — money and emigrants — neither of which the society commanded. As the negroes themselves were opposed to the plan, it was very doubtful if the society could secure the emigrants, but at this juncture the State of Georgia came to the rescue with the enactment of a law which supplied the society's needs. In 1807, when the importation of slaves into any State or territory had been forbidden, no provision was made for such slaves as might be captured from those who attempted to smuggle them into the country in defiance of the law. The States had been left to decide what disposition should be made of these, and up to that time Georgia had sold them into slavery for the benefit of the State. On December 19, 1817, however, an act was passed providing that, should the Colonization Society agree to export them to Africa and pay all the costs incurred by Georgia from the time they were captured and condemned until taken over by the society, such negroes would be turned over to them. Early in 1819 Georgia advertised for sale a batch of negroes previously seized,* and the society sent the Reverend William Mead to secure the release of the negroes and sent out requests for contributions to supply the sum necessary to reimburse Georgia. The governor of Georgia, therefore, postponed the sale so that the society might have sufficient time to raise the redemption money,† but in the meantime the society called upon Monroe to exercise the power recently granted him by an act passed by Congress on March 3, 1819.‡ In this act the President was empowered to take such measures as he deemed fit for the safe keeping, support, and removal beyond the territory of the United States of such negroes as might be seized under the

* "On Tuesday, the 4th of May next [1819], in the town of Milledgeville, will be exposed to public sale, to the highest bidder, between thirty and forty prime African slaves, which have been taken possession of by the state of Georgia, in consequence of their having been introduced contrary to the laws of the state and of the U. States. Indisputable titles will be made and prompt payment required. By order of the governor, Charles Williamson, agent."— *Niles' Register*, vol. xvi., p. 166.

† See Governor Matthew Talbot's message of November 3, 1819, in *Niles' Register*, vol. xvii., p. 222.

‡ For the debate see *Annals of Congress*, 15th Congress, 2d session, pp. 1430–1431.

act suppressing the slave trade. Another provision of the act authorized him to send an agent to Africa who should receive such negroes as were seized from slavers by commanders of American naval vessels. A third provision set aside $100,000 for carrying the act into effect.† Monroe thereupon selected Samuel Bacon, Samuel A. Croger and John P. Bankson to act as agents of the United States in Africa; chartered the brig *Elizabeth* to carry away the negroes; set apart $33,000 to pay for tools, implements, and transportation charges; and ordered the United States ship *Cyane* to escort the *Elizabeth* to her destination.‡

On February 6, 1820, the *Elizabeth* started from New York with 86 men, women, and children, and after a voyage of five weeks reached Sierra Leone, and then sailed for Sherbro Island. Meanwhile the Africans had changed their minds with regard to selling land to the Colonization Society, disavowed the promises they had made, and refused to sell a single foot of land.|| While the agents were negotiating, the rainy season set in, and the 3 agents and 20 colonists were stricken with fever and soon died. The command of the party then passed into the hands of one of the colonists, who conducted the expedition back to Sierra Leone.

This misfortune, however, did not discourage the society, and early in 1821 another band was sent out and attempted to settle at Cape Montserado on the coast of Guinea. But as the agents insisted that the abolition of the slave trade be one of the conditions on which they would purchase land, negotiations suddenly ceased, since the slave trade was most valuable to the Africans. The party then returned to Sierra Leone and the agent returned to the United States. In the fall of 1821 Dr. Ayres and Lieutenant Richard F. Stockton, of the United States schooner *Alligator*, went to Cape Montserado and succeeded in purchasing a tract of land for the colony in consideration of goods and trinkets worth $300. When the colonists appeared, however, the chiefs changed their minds and refused to give up the territory, but finally Stockton and Ayres induced them to consent to the purchase, and on April 22, 1822, the colonists took possession and began the erection of a town. At this time a British ship with some recaptured Africans drifted ashore, and a French slaver in search of a cargo also appeared off the coast. In the hope of profiting by these two events, the natives attempted to capture the negroes from the British ship in order to sell them to the French, but the colonists coöperated with the British and repulsed the native attack.

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* *United States Statutes-at-Large*, vol. iii., p. 533.

† Spears, *The American Slave Trade*, pp. 165–166.

‡ McMaster, vol. iv., pp. 565–566.

|| *Niles' Register*, vol. xix., p. 296.

The rainy season had again set in; fevers had attacked the little band, and the colonists were again subjected to the hostility of the natives. Becoming disgusted, Dr. Ayres, and a few others returned to Sierra Leone, but the negroes themselves determined to struggle on. Fortunately for the little band, 47 negroes in charge of the Reverend Jehudi Ashman, soon afterward arrived. Ashman found the colony in desperate straits, and learned also that the neighboring chiefs had planned to exterminate it. The colonists were able to muster only 27 effective men, while for resisting an attack they had only one brass field-piece and five rusty iron guns. Nevertheless, Ashman drilled his men, erected earthworks in front of the settlement, and when 800 Africans rushed to the attack on November 11, he was able to open against them such a well-directed fire from the brass field piece that they were driven back in confusion. The enemy prepared for a second attack, but before it was made an English captain, happening to touch at the Cape, supplied the colonists with food, stores, ammunition, etc., and when the Africans made their second attack the next night they were again repulsed. Once more succor arrived, for the heavy cannonading had attracted the attention of an English schooner laden with military stores. The captain at once put in to investigate, and on learning of the predicament of the colonists, landed stores and ammunition. Peace was then concluded with the natives, and when the British captain sailed, his midshipmen and 11 sailors remained behind. Thenceforth, in spite of internal disputes, Liberia, as the colony was called, and Monrovia, as the town on the Cape was named, enjoyed a prosperous career.*

Meanwhile Great Britain was trying to persuade the United States to join in an international effort to destroy the slave trade. The trade had been forbidden in British dominions as early as 1807, and thenceforth no treaty was made with any foreign power without an attempt to bind the contracting party to limit the African slave trade. Between 1810 and 1814 such treaties had been made with Portugal, Denmark, and Sweden; Netherlands had abolished the trade by royal decree; Spain had limited it to her own colonies; France had agreed to abolish it within five years and had promised to aid Great Britain in her efforts to abolish the trade when the allies met in the Congress of Vienna. When that Congress met in 1814, however, France and Spain refused to go any further than they had already gone and little was accomplished. In the definitive treaty of peace signed at Paris on November 30, 1815, the contracting parties agreed to put forth every effort for the entire abolition of the odious trade. Spain and Portugal refused

* McMaster, vol. iv., pp. 568–569. See also J. H. T. McPherson, *The History of Liberia*, in *Johns Hopkins Studies*, series ix., no. 10; Spears, *The American Slave Trade*, p. 166 *et seq.*

to become parties to such an agreement and under their flags the trade became extensive. In 1817 Great Britain invited the ministers of Russia, Austria, France and Prussia to a conference, and conventions were concluded with Portugal and Spain.* Each agreed to abolish the slave trade north of the equator at once and south of that line in the near future. When the ministers met at London in December of 1817, Lord Castlereagh proposed that the five powers prohibit the importation of slaves into their dominions, make the traffic a criminal offence, and grant their warships the right to visit vessels suspected to be slavers. It was proposed also that Brazil and Portugal should be urged to abolish the trade after May 30, 1820. These propositions were sent to the respective governments by their representatives, but no answers were received until the second annual conference at Aix-la-Chapelle in October of 1818.†

Meanwhile, on June 20, 1818, Castlereagh submitted to Richard Rush, the American minister at London, copies of the treaties for suppressing trade concluded by Great Britain with Spain, Portugal, and the Netherlands.‡ The convention into which Great Britain invited the United States to enter provided for the establishment of courts in the colonial possessions of one of the parties. As the United States had no colonies and as Congress had no power under the Constitution to establish a court for the execution of its penal laws beyond the territorial limits of the United States, such an arrangement could not be considered. Again, the convention provided for a reciprocal right of search by those armed vessels of the two powers which might be given special authority; but to admit that either power possessed the right of search in time of peace would have raised such a storm of indignation as no party in the United States could then have withstood. Monroe therefore declined the invitation.* Great Britain, however, again returned to the subject in 1819, repeated the invitation, which was once more declined by the President.†

While the United States refused to enter into an agreement with Great Britain for suppressing the trade, she had not been idle. Already an act had been passed (April 20, 1818) providing that a person detected bringing negroes into the United States must prove to the court that such negroes were not imported contrary to law. On March 3, 1819, as we have seen, the

* *Niles' Register*, vol. xiv., p. 136; John R. Spears, *The American Slave Trade*, pp. 134–135.

† See the correspondence relating to these conferences in *American State Papers, Foreign Relations*, vol. v., p. 98 *et seq.*

‡ *American State Papers, Foreign Relations*, vol. v., pp. 71–72, 111–112. See also the letters regarding this in *Annals of Congress*, 16th Congress, 2d session, p. 1316 *et seq.*

* *American State Papers, Foreign Relations*, vol. v., pp. 72–73, 112–113. See also Schuyler, *American Diplomacy*, p. 241.

† *American State Papers, Foreign Relations*, vol. v., pp. 74–76.

President had been empowered to seize and bring into port any vessel engaged in the slave trade, if controlled by citizens or residents of the United States. He was empowered to keep, support, or remove beyond the limits of the United States such negroes, mulattoes, or persons of color illegally imported, and he could appoint an agent to live in Africa for the purpose of receiving negroes seized on slavers.* On May 15, 1820, another act was passed making the slave trade piracy and those engaged in that trade pirates, and providing the death penalty to any citizen of the United States convicted of importing from foreign ports any negro or mulatto who had been seized, decoyed, or forcibly brought away with the intent to make such person a slave.† During 1820 and 1821 Monroe had sent forth six armed vessels to patrol the coast of Africa and to capture slavers, and their reports show that the trade was flourishing. Monroe brought the subject before Congress on February 9, 1821, when a House committee recommended that a limited right to search American vessels on the African coast be granted and that the President be authorized to negotiate with European powers for suppressing the slave trade.* On April 12, 1822, a similar resolution was passed but nothing came of either.† On February 28, 1823, however, as the Seventeenth Congress was about to expire, the House, by a vote of 131 to 9, passed a resolution requesting the President to enter upon negotiations.‡ It was then too late for the Senate to take action, but, as Great Britain had again urged the United States to join her in granting a limited right of search, Monroe took the sense of the House as a guide and on March 31, 1823, began negotiations to make the slave trade piracy under the law of nations. Accordingly, on March 13, 1824, a convention was signed at London,|| after it was amended and ratified by the Senate, the king refused to assent to the treaty thus mutilated and weakened.§ It seemed almost impossible to come to an agreement satisfactory to both nations, and for some time the matter was dropped.

Domestic slavery was as serious and perplexing a problem, both in the

* John R. Spears, *The American Slave Trade*, pp. 128–130; *United States Statutes-at-Large*, vol. iii., p. 533.

† *Niles' Register*, vol. xviii., p. 236; *Annals of Congress*, 16th Congress, 1st session, pp. 2623–2625; Schuyler, *American Diplomacy*, p. 244; Spears, *The American Slave Trade*, pp. 132–133.

American State Papers, Foreign Relations, vol. v., pp. 90–93. See also Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 104–106.

†*American State Papers, Foreign Relations*, vol. v., pp. 140–141.

‡*Annals of Congress*, 17th Congress, 2d session, pp. 331–333, 928, 1147–1155.

||*American State Papers, Foreign Relations*, vol. v., pp. 319–324; *Register of Debates*, 18th Congress, 2d session, app., pp. 12–14. See the correspondence in *Annals*, pp. 3001–3025. See also *Niles' Register*, vol. xxvi., pp. 209–210, 226–239, 346 *et seq.*

§ Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 108–110; Angell, *Diplomacy of the United States*, in Winsor, *Narrative and Critical History*, vol. vii., pp. 492–493.

North and in the South, as was the slave trade. Rhode Island in 1784, Connecticut in 1784, New York in 1799, and New Jersey in 1804 had decreed that after a certain time slavery should be prohibited; that those who were slaves on that date should remain so; but that children born thereafter of slave parents should be free on attaining a certain age. In New Hampshire, Vermont, and Massachusetts slavery had been abolished outright. But nowhere did the slaves enjoy the same rights as the white man. For a long time race prejudice excluded the slave from many trades and occupations. Moreover, he could not vote, serve in the militia, or be summoned as a juror. He was barred from hotels, inns, and taverns, and from all schools save those established by benevolent persons for the special benefit of his race.* In Pennsylvania their lot was probably as happy as anywhere, for in that State no distinction was made between the free white and the free black. There the black freeman was a political equal of the white freeman, had every right of citizenship, could vote, and was eligible to any office in the State. Yet no black man ever attained any office, for as no assessor of a country tax would term the free negro as a taxable inhabitant, and as he was not taxed unless so termed, and as he could not vote unless he paid a county or State tax, the negro very seldom voted—

* Williams, *Negro Race in America*, vol. ii., p. 131.

much less aspired to office.* In 1811 Delaware passed a law forbidding free negroes or mulattoes to settle in her territory. In 1825 Maryland passed a law that a free negro living in idleness in the State must either give security for good behavior or leave the State within 15 days after being ordered to depart. It was forbidden to purchase tobacco from a negro unless he could produce a certificate from a justice of the peace granted on the sworn testimony of two reputable whites that the tobacco had been grown or honestly acquired by him. In 1826 another law was passed providing that a free negro who had served a term of imprisonment for any offence should be given $30 and banished from the State, and, if found in the State 60 days afterward, should be sold into slavery for the term of his original conviction. According to the Virginia laws, no negro freed in any other State could become an inhabitant of Virginia. Those who were emancipated had to be numbered and registered and a certificate of such registration describing the negro must be held by him before he could seek employment. By a law passed in 1806 Tennessee placed a similar restriction on negroes, but by a law passed in 1825 they were permitted to enter the State provided they registered their freedom papers. In 1819 Virginia passed a law threatening the freedom of any freedman who remained

* McMaster, vol. iv., pp. 558–559.

in the State more than a year.* In Georgia a freedman was taxed $20 annually for the privilege of remaining free, with the penalty of expulsion on failure to pay this tax.† The Mississippi and Alabama constitutions (of 1817 and 1819, respectively) expressly forbade the legislative emancipation of a slave without the owner's consent, and provided that the General Assembly "shall have no power to prevent immigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State: *Provided,* That such person or slave be the *bona fide* property of such immigrants." The General Assembly should have also "full power to prevent slaves from being brought into this State as merchandise; and also to oblige the owners of slaves to treat them with humanity."‡ In 1819 the Mississippi legislature passed an act requiring anyone who imported a slave into the State to register the slave in the county clerk's office and to make oath that the slave had not committed any capital crime. Failure to do this was punishable by a fine of $500. In that State slaves imported for sale were taxed $20 apiece, but citizens could import slaves for their own use free of taxation unless such slaves came from Louisiana or Alabama. A free negro emigrating to Mississippi was required to give $50 security for good behavior and if unable to do so was liable to be sold at public auction for a term of one year.* In his message to the legislature of South Carolina on November 25, 1817, Governor Andrew Pickens said:

> "In December last, you passed an act prohibiting under the severest penalties, the introduction into this state, of any slave, from any other state or territory, to remain here, under any circumstances whatever. As the agricultural property of this state depends so much upon persons of this description, it is believed that the general interest loudly calls for some alteration or modification of this law. As the law now is, persons who wish to become residents among us, are prevented from bringing with them their slaves, to whom they are attached, not only because they are instruments of wealth and comfort, but often because they have descended to them from revered and respectable ancestors. Our own citizens, under the existing statute, are unable to bring in the state slaves which they may be entitled to, by marriage, inheritance or device, are obliged either to sacrifice them and leave their lands uncultivated, or remove with their character, usefulness, enterprise, and wealth, to add to the respectability and resources of some other state or territory." †

In the District of Columbia any negro or mulatto unable to prove by document or evidence that he was free might be seized and sold into slavery. The South Carolina law forbade the meeting of slaves or freedmen "for purposes of instruction" unless a ma-

* Ballagh, *History of Slavery in Virginia,* p. 125.

† *Niles' Register,* vol. xx., p. 312; Schouler, *United States,* vol. iii., p. 137.

‡ Thorpe, *Federal and State Constitutions,* vol. i., pp. 111–112, and vol. iv., p. 2045.

* *Niles' Register,* vol. xvi., p. 160.

† *Ibid,* vol. xiii., pp. 277–278.

jority of the assembly were white persons. Certain persons of color, one a bishop, endeavored to obtain permission from the city council of Charleston to hold meetings of colored persons exclusively, but were unsuccessful. Nevertheless they held the meetings and were arrested, to be released by the magistrate with a warning. On June 7, 1818, the bishop, some ministers and 140 others held a meeting, and all were arrested. Every one was liable to imprisonment and corporal punishment. The bishop and four of the ministers were sentenced to one month's imprisonment or to give security to leave the State. Eight other ministers were sentenced to receive ten lashes or pay a fine of $5. No penalty seems to have been inflicted on the others.*

It was to be expected that restrictions of this nature would be found in States where slavery already existed and could readily be accounted for where slavery was slowly disappearing, but in territory where slavery had been abolished under the Ordinance of 1787 it was not to be expected that the rights of the negro would be restricted; where, on the contrary, the free negro should have been accorded the common rights of Man. But this was far from the case. In Ohio he was deprived of the franchise, and a law had been passed stating that the negro must prove his right to be free. No such person could settle in Ohio without a certificate of freedom which must be put on record. Nobody was allowed to employ or hire a free negro whose condition was not duly certified, nor could he leave the State without such certification.* In Indiana the free negro could not be a witness except in pleas of the State against negroes, mulattoes or Indians, or in civil cases where such persons were litigants.†

Illinois had taken her stand as a slaveholding territory, and though in 1817 an effort had been made to break down slavery, the governor defeated the attempt by vetoing the measure. After Illinois became a State, a slave code was adopted providing that no negro or mulatto, alone or with his family, could live in the State without a certificate of freedom from the State or Territory whence he came, nor until the certificate had been duly recorded; and even then the overseers of the poor could expel him at any time.‡ Such negroes as already resided in the State were to secure certificates from the circuit clerk before June 1, 1819, attesting to their freedom. In default of such certificates, all negroes might be arrested and sold for one year to the highest bidder. Should a slave be found ten miles from home without a permit, he was liable to arrest. To harbor a slave was felony and to employ a negro not

* *Niles' Register*, vol. xiv., p. 312.

* Williams, *The Negro Race in America*, vol. ii., p. 111 *et seq.*

† *Ibid*, p. 121.

‡ McMaster, vol. v., pp. 187–188. See also N. D. Harris, *The History of Negro Servitude in Illinois and of the Slavery Agitation in that State, 1719–1864*, chap. iii. (1904).

possessed of a certificate was punishable by a fine of $1.50 for each day's employment.

When the Missouri Compromise was passed, Missouri became a haven for emigrants from the slave States. Illinois was nominally closed to slavery and was therefore avoided. The people, therefore, determined to make Illinois slave soil. In the gubernatorial election of 1822 there were four candidates, two advocates of slavery, and two free soil men. One of the latter, Edward Coles, was elected by a plurality of 46 votes, but the slavery advocates carried both branches of the legislature and soon renewed the struggle.* In his first message to the legislature the new governor boldly attacked slavery, urged the speedy emancipation of those still in bondage, recommended that the black code be revised, and urged that kidnapping be stopped by law. The committee reported a resolution advising the legislature to recommend that the voters cast their ballots at the next election for or against a convention to amend the Constitution, so as to make Illinois a slave State.† To pass this resolution a two-thirds vote of both branches of the legislature was required, and while the Senate was almost unanimously favorable, the House lacked one vote of the necessary two-thirds.‡ The election of one of the members of the legislature had been contested, but when he agreed to vote for Senator Jesse B. Thomas he was seated. When he refused to vote for the constitutional convention, however, his seat was declared vacant and his place given to the candidate who contested the election.* Being a strong pro-slavery man, the latter helped the House to pass the resolution. Then began perhaps the most exciting canvass the people of Illinois had ever known. When it ended on August 2, 1824, the pro-slavery men were beaten, the resolution for a convention having been lost by almost 1,700 majority (6,640 to 4,972).†

The negro had been disfranchised in New Jersey in 1807. New York followed the example in 1813 and Massachusetts in 1815. Under the New York constitution any male possessing £20 of freehold estate or paying an annual rent of 40 shillings had the right to vote provided he had the necessary qualifications as to age, residence, etc., but a distinction was made as to color. If the voter were black, he was to declare before a registrar of deeds, at a great cost, that he was free and not a slave. If the proof were satisfactory to the registrar, the negro must then be measured and his

* Harris, *Negro Servitude in Illinois*, pp. 27–31.
† *Ibid*, p. 32.
‡ Wilson, *Rise and Fall of Slave Power*, vol. i., p. 163.

* Harris, *Negro Servitude in Illinois*, pp. 34–39.
† *Ibid*, pp. 42–49; McMaster, vol. v., pp. 189–191; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 164; E. B. Washburne, *Sketches of Edward Coles and the Slavery Struggles of 1823–24* (Chicago, 1882).

stature noted on a certificate of freedom, which was then to be recorded. This cost 12 shillings. Five days before each election the negro was compelled to purchase a copy of the record to show to the inspectors of election, but if he came without the transcript he could be deprived of his vote, though possessing every other qualification. On March 31, 1817, however, New York passed a law providing that after July 4, 1827, slavery should be abolished in the State and that every slave within its limits become free.*

In 1818 New Jersey enacted a law prohibiting the exportation of slaves or servants of color from the State under penalty of not less than $1,000 or more than $2,000 fine or imprisonment at hard labor for not less than two nor more than four years. Every slave or servant so exported or attempted to be exported was to be free. The selling, transferring, or assigning of slaves to non-residents of the State were also prohibited. The legislature requested their Senators and Representatives in Congress to urge the enactment of a law prohibiting the interstate traffic in slaves.†

The compilation and publication of statistics showing that the negro comprised a large percentage of the inmates of jails and penitentiaries served only to create a feeling that he should be stripped even of the few privileges he possessed. In 1820 it was shown that in Massachusetts, where the negroes comprised but one-seventy-fifth of the population, they contributed one-sixth of the criminals. The legislature of that State therefore determined to check this, a committee being appointed to consider the best manner of changing the laws regarding the admission of free negroes or mulattoes as residents into Massachusetts. The committee evaded the issue and reported that it was unable to decide what legislation was necessary. As a matter of fact, no new legislation was required, for on March 26, 1788, a law had been passed "for suppressing and punishing all rogues, vagabonds, common beggars, and other idle, disorderly and loud persons."* This law provided that no negro should tarry within the commonwealth for more than 60 days unless he were a citizen of the United States or a subject of the Emperor of Morocco. Should he tarry beyond that period, any justice of the peace could, on complaint, order him to depart within 10 days, and should he fail to go, could commit him to await the action of a court of sessions of the peace. Should the negro be found guilty, that court had power to punish him with ten stripes and to repeat the punishment as often as the negro should refuse to depart. The com-

* *Niles' Register*, vol. xii., p. 144.

† *Ibid*, vol. xv., pp. 194–195.

* For an account of this law see G. H. Moore, *Notes on the History of Slavery in Massachusetts*, pp. 228–229.

mittee condemned this law as arbitrary in its principles, cited it as an example of foolish and futile legislation, and asserted that it was repugnant to the people of Massachusetts. But in this the committee erred, for the law was not repugnant to the people since it continued on the statute books until 1834, and under this law 237 blacks had been ordered to leave the State.*

At this same time (1821) a convention was preparing a new constitution for New York, and it was proposed to limit the franchise to male citizens, because blacks were not fit to vote. It was said that every privilege granted them had been abused and that if the franchise were given them, they would sell their votes to the highest bidder. The friends of the negro had too little influence to prevail and when the constitution was completed Article II. provided that "no man of color, unless he shall have been for three years a citizen of this State and for one year next preceding any election shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at any such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid." This same provision was incorporated in the constitution of 1846.*

South Carolina imposed the heaviest of all restrictions. In May of 1822 it was feared that the slaves under the leadership of Denmark Vessey were planning to revolt. An investigation resulted in the arrest of 130 blacks, 35 of whom were executed, 12 were sentenced to death but respited, 22 sentenced to transportation, 9 acquitted with a suggestion to their masters that they be transported, and 52 acquitted and discharged.† The plot was attributed to the influence of a certain free negro, to religious fanaticism, and to the formation of an African Methodist Church. The church was therefore dissolved. Masters were warned to watch their slaves more carefully, and on December 21, 1822, the legislature enacted a law aimed at negroes from foreign parts. It was provided that should a vessel enter South Carolina and have on board a negro in whatever capacity — cook, steward, mariner, etc., — no matter whether or not he intended to remain in the State, he must be seized and kept in jail until the ship was ready to sail. The master must then pay all costs of detention and carry

* Moore, pp. 231–236.

* Thorpe, *Federal and State Constitutions*, vol. v., pp. 2642–2643, 2656. See also Williams, *The Negro Race in America*, vol. ii., pp. 163–164.

† U. B. Phillips, *The Slave Labor Problem in the Charleston District*, in *Political Science Quarterly*, vol. xxii., no. 3, pp. 429–431 (1907). See also Jervey, *Robert Y. Hayne and His Times*, pp. 130–133; *Niles' Register*, vol. xxii., pp. 320, 352, and vol. xxiii., pp. 10–12; Williams, *The Negro Race in America*, vol. ii., pp. 84–85.

the negro away, or else be fined $1,000 or imprisoned for two months, while the negro was sold as a slave.* A general seizure of negro cooks and sailors then began, but the captains appealed to the United States district court for relief. The judge of that court urged the captains of the vessels to seek redress in the State courts, and a test case was made on the ground that the law was unconstitutional. The lower court decided that it *was* constitutional, while the upper court was divided; and therefore the prisoners remained in custody. Ultimately they were released, but in the meantime, on February 19, 1823, the American captains remonstrated to Congress,† while the British captains complained to Canada. Adams promised that the practice would be stopped, but it still continued, and soon the seizure of another British subject (a negro seaman from Jamaica) brought on another dispute. Suit was brought in the United States district court to secure the release of the man absolutely, on bail, the purpose being to test the validity of the law. The argument was long and learned on both sides, but the court decided that the act was unconstitutional and was practically equivalent to a declaration of war on England. In spite of this decision, however, the seizure of negroes continued and before the close of the year four free blacks, subjects of Great Britain, were seized from another British ship. The master complained and the British minister vigorously protested to Attorney-General Wirt, who pronounced the law a violation of the treaty, unconstitutional and void, since it attempted to regulate traffic. This information was sent by Adams to the governor of South Carolina for transmission to the legislature. The South Carolina senate asserted that it was the duty of the State to guard against insurrections among the colored population, and that this was paramount to all laws or treaties or constitutions. They said that the law would never be renounced or compromised, that the United States should not meddle with her affairs, and that she would not allow her slaves to be "ordered, regulated, or controlled by any other power foreign or domestic than this legislature."* The House considered these resolutions too strong and passed a milder set, which the Senate rejected. In 1823 an act was passed providing for the sale of negroes into slavery but the provisions of the act did not apply to negro seamen unless found on shore after being warned.†

This dispute tended to strengthen the belief that only the removal of the free blacks to Africa would solve the

* For text see *Annals of Congress*, 17th Congress, 2d session, pp. 1306–1308. See also Ames, *State Documents on Federal Relations*, no. v., p. 12.

† *Annals*, pp. 1305–1306.

* Ames, *State Documents on Federal Relations*, no. v., p. 14.

† See Jervey, *Robert Y. Hayne and His Times*, pp. 178–180; McMaster, vol. v., p. 203. There is a great variance in the statements of these two works.

negro problem. The States began to express their opinions as to the manner of regulating the slave problem. Georgia, on December 22, 1823, proposed that the Federal Constitution be amended so that no part of it could be construed as authorizing the importation or ingress of negroes into any State contrary to its laws. The proposed amendment was approved by Missouri, Mississippi, and South Carolina, while Illinois and Ohio advocated gradual emancipation and ultimate transportation, and Delaware and New Jersey suggested immediate colonization.*

Hardly had this crisis passed when the American Society for the Colonization of Free People of Color applied to Congress for aid. The committee to which this application was referred stated that, had the session not been so nearly at an end, it would recommend to Congress that the money requested be granted.† At this the Georgia legislature became excited and denied that Congress had the right to use public funds for any such purpose. It said that the liberation of the slave population of the South was not essential to the common defence nor conducive to general welfare, and that the Society was going beyond the bounds of the purpose for which it had been formed when it attempted to remove the whole colored population of the United States to another land. This would militate against the interests of one portion of the United States, and the National government could not use the general funds of the Union to further such a project, particularly when the section to suffer from it had contributed so largely to these funds. The people of Georgia knew the advantages of the Union, but would not permit their rights to be assailed even though it resulted in the dissolution of the Union. The result of such interference was ruinous and the enemies of the South were setting a mine which, if exploded, would result in the common ruin of the country.*

South Carolina joined Georgia in these remonstrances. A committee of the South Carolina Senate stated that on this subject there could be no reasoning between South Carolina and any other government and that the slaves should not be encouraged to look for emancipation to any other body than the legislature.† On the other hand, many of the States supported the society. Maryland voted an annual appropriation to it for ten years. Kentucky requested their Representatives in Congress to secure the protection and patronage of the general government for the society, and in 1827 and in 1828 Ohio followed suit, while Virginia twice presented the so-

* McMaster, vol. v., pp. 203–204.

† *House Doc.* 64, 19th Congress, 2d session, vol. iv. See also *Register of Debates*, vol. iii., pp. 289–296, 318–334.

* *Ex. Doc.* 126, 20th Congress, 1st session, vol. iii.

† *Ex. Doc.* 65, 20th Congress, 1st session, vol. iii.

ciety with money. Nevertheless the great work of emancipation was not done by the Colonization Society, but by a little band of anti-slavery leaders.

Foremost among these was Benjamin Lundy, a native of New Jersey (born in 1789), who, while still a lad of 17, went to Virginia, and there became imbued with a desire to aid the slaves. Removing to Ohio in 1835 he founded an anti-slavery society called the Union Humane Society.* He contributed anti-slavery articles to weekly journals and issued appeals to anti-slavery people throughout the country urging them to form similar associations. The editor of one of these papers, *The Philanthropist,* to which Lundy contributed, was a Quaker named Charles Osborn. This was the first newspaper that ever defended immediate and uncompensated emancipation in the United States.† The two men became partners, but as Lundy failed to return from a trip to St. Louis, Osborn sold the paper, and another friend, Elihu Embree, of Tennessee, established *The Emancipator*, the first newspaper in the country devoted to anti-slavery.‡ Shortly afterward Lundy returned, and on hearing of Embree's death, decided to establish an anti-slavery periodical of his own at Mt. Pleasant, Ohio. He secured hearty support and a large number of subscribers, but within a year removed to Tennessee, where he resided until 1824, then going to Baltimore to establish *The Genius of Universal Emancipation.**

The anti-slavery sentiment in Maryland was strong, and when *The Genius* was started it was well supported and widely circulated. But public sentiment in the slaveholding States soon changing, the prosperous career of *The Genius* was at an end. In the spring of 1828, therefore, Lundy toured the Eastern States in search of new subscribers,† and during this tour met William Lloyd Garrison, then about 23 years of age. Garrison had served his apprenticeship in the printing trade and became editor and publisher of *The Newburyport Free*

* Curtis, *Constitutional History,* vol. ii., p. 244; Wilson, *Rise and Fall of Slave Power,* vol. i., p. 168.

† McMaster, vol. v., pp. 208–209.

‡ E. E. Hoss, *Elihu Embree, Abolitionist* (Nashville, 1897).

* Wilson, *Rise and Fall of Slave Power,* vol. i., pp. 168–169.

† Certainly there are few examples of such great self-sacrifice. In an appeal to the public for support on April of 1830 Lundy says: "I have, within the period above mentioned [10 years] sacrificed several thousand dollars of my own hard earnings, have traveled upwards of five thousand miles on foot, and more than twenty thousand in other ways; have visited nineteen states of this Union, and held more than two hundred public meetings; have performed two voyages to the West Indies, by which means the liberation of a considerable number of slaves has been effected, and, I hope, the way paved for the enlargement of many more."—Goodell, *Slavery and Anti-Slavery,* p. 385. See also Williams, *The Negro Race in America,* vol. ii., pp. 28–29; *Benjamin Lundy: A Sketch of his Life and of his Relations with his Disciple and Associate, William Lloyd Garrison; The Life, Travels and Opinions of Benjamin Lundy, with a Sketch of Contemporary Events and a Notice of the Revolution in Hayti, Compiled under the Direction and on Behalf of his Children* (1847).

*Press.** The career of that paper was short, Garrison went to Boston, where three years later (in 1828) he became editor of *The National Philanthropist,* the first temperance newspaper in the United States.† Garrison was attracted to Lundy and endorsed *The Genius* and its objects in the columns of *The Philanthropist.* In the summer of 1828 Lundy spoke at a public meeting in the Federal Street Baptist Church, Boston, and in his speech dwelt on the folly of trying to abolish slavery according to the methods advocated by the Colonization Society.‡ He said that the increase in slave population in one year was greater than the diminution the society could effect in 50 years.|| He urged his hearers to found anti-slavery societies and to petition Congress that slavery be abolished in the District of Columbia. The pastor of the church in which this meeting was held denounced the agitation of the slavery question in the North, saying that that section of the country had no business to meddle with the institution.§ But Garrison, who was present, called another meeting at which an anti-slavery committee was appointed and a petition circulated, signed by 2,352 persons and sent to Congress on January 26, 1829.* On his trip north Lundy gained a number of subscribers to his paper, but not enough to support it, and in 1829 *The Genius* was suspended. In an effort to revive the paper, he persuaded Garrison to come to Baltimore, and in the autumn of 1829 the two revived *The Genius.*†

A petition was sent to the Delaware legislature requesting the abolition of slavery within that State, but the legislature made no response, for that body had enacted a law which aroused considerable indignation. Under the Constitution the States were compelled to deliver all fugitives from labor or service upon demand of those entitled to this labor or service, but the execution of this act depended upon the judiciary of the States. Under this law the owner of the runaway slave or his agent might arrest the fugitive, take him before a circuit or district court or before a county, city, or town magistrate, and, having proved the negro to be a slave, might take him back to the plantation. The negro could not be heard in his own defence and could not summon witnesses, nor be represented by a counsel; the testimony of his master was sufficient. While the purpose of the law was to make easy the return of fugitive slaves, it rendered easy also the kidnapping and condemnation to slavery of free slaves living in the

* A. H. Grimké, *William Lloyd Garrison, the Abolitionist,* pp. 27–28; Goodwin Smith, *The Moral Crusader: William Lloyd Garrison,* pp. 10–16.

† Grimké, p. 41; Lindsay Swift, *William Lloyd Garrison,* pp. 57–59 (1911).

‡ Grimké, p. 52.

|| Smith, *William Lloyd Garrison,* p. 21.

§ Grimkè, p. 52.

* Swift, *Life of Garrison,* p. 64; Grimké, p. 55,

† Grimké, pp. 58, 68; Smith, pp. 24–25; Wilson, *Rise and Fall of Slave Power,* vol. i., pp. 172–173, 176–177; Williams, *The Negro Race in America,* vol. ii., p. 40.

border States. It was only necessary for a band of men to seize any negro they desired, establish their claim to him before the magistrate, secure their certificate, take the slave away and sell him for what he would bring. Congress had been requested many times to remedy this condition, but nothing was done.

Meanwhile kidnapping became more and more frequent, for the increase in the production of cotton required a larger number of slaves to cultivate the soil. This demand increased their market value and thus added an incentive to kidnappers. Pennsylvania, the home of thousands of free negroes, was so infested with bands of kidnappers that on March 27, 1820, a stringent law was enacted against negro-stealing. The effect of the law was to insure a more careful examination of the claims made to ownership of negroes. As no warrant was required for the seizure and arrest, the people almost always sympathized with the negro and oftentimes rescued the arrested negro even at the expense of their lives. As many of the negroes rescued belonged to citizens of Maryland, the legislature of that State remonstrated to Pennsylvania. That State refused to do anything in the matter and of the slaves that sought refuge on her territory, very few were ever brought back to Maryland. The latter, therefore, sent a commission to Delaware, New Jersey, and Pennsylvania, to ask for a stricter enforcement of the fugitive slave law. The New Jersey legislature was not in session, but Pennsylvania and Delaware enacted laws in accordance with the wishes of Maryland, Delaware making it a crime for a runaway slave to come within her bounds, forbidding free or slave negroes to leave her soil without a pass, and threatening kidnappers with a fine of $1,000, an hour at the pillory, etc.* Pennsylvania required that the claimants obtain a warrant for the arrest, and that the person arrested be examined by a judge. On the other hand, concessions were made to an owner seeking a slave. He could obtain a warrant from a justice of the peace or an alderman and, when the examination took place in court, the trial could be postponed and the negro sent to jail until more evidence is collected. Moreover, if any judge, magistrate, or sheriff did not help the owner to secure the full benefit of the law, the delinquent official might be fined.†

In the District of Columbia slavery was carried on with impunity. On the Virginia side of the District any negro who could produce evidence of freedom could not be arrested as a fugitive, but if such evidence were not produced within three months after demand, the slave might be arrested and hired out until evidence were procured, when he must be discharged without cost and be given a certificate of freedom to be renewed annually.

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* Collins, *The Domestic Slave Trade of the Southern States*, pp. 85–86.

† McMaster, vol. v., p. 218.

In case such evidence could not be secured within a year after his arrest, the negro must be sold as a slave. On the Maryland side all free persons of color were required to register with the clerk of the county court and to procure a certificate. Negroes found at large without such a certificate must be examined before a magistrate and sold as slaves if adjudged runaways; but should they be declared freemen, they were discharged, provided the costs and rewards usual in the case of runaways were paid. On failure to pay them, such negroes must be sold into slavery.*

Washington now became a great slave market,† every week large numbers of negroes being taken there by slave dealers and confined in the public jails for safe keeping or taken to one of the private prisons. When twenty or more negro men or women had been gathered, the slave dealer would bring them forth, handcuff them in pairs, and start them South, there to be sold to the highest bidder. No serious effort had been made to stop this traffic, though a grand jury, a public official, or a member of Congress would now and then demand an investigation. In 1816 the suicide of a slave mother horrified the whole city, and, at the urgent request of John Randolph, a committee was appointed "to inquire into the existence of an inhuman and illegal traffic of slaves carried on in the District and report what measures were necessary for putting a stop to the same."* This committee failed to report any measures, and a decade passed before the House was again troubled by the slave question. Various petitions had been presented to abolish slavery in the District, but it was not before Charles Miner, of Pennsylvania, became a member that the House gave the matter serious consideration.

Miner's attention had been called to this matter by an occurrence during the summer of 1826. A negro (Gilbert Horton), found wandering about the wharves of the city in search of work, was suspected of being a runaway and arrested. He claimed to be free, named several persons in Poughkeepsie who corroborated his statements, and after 26 days' imprisonment secured his release. The sheriff paid the jail fees, or else the negro would have been sold as a slave. Later in the year he was again apprehended, examined and discharged, the sheriff again paying the cost. The gross injustice of the law thus forcibly brought to the attention of a large part of the community compelled the consideration of Congress. On December 26, 1826, therefore, the House Committee on the District of Colum-

* See also *Niles' Register*, vol. xxxi., p. 25.

† As early as March 1, 1816, Charles Goldsborough had said in the House that "he had more than once met more than a dozen of those unhappy wretches marching in droves through the street. He met them even in the avenue, and it was a notorious fact that this was the channel of transmission for them."—*Annals of Congress*, 14th Congress, 1st session, p. 1117.

* *Annals of Congress*, 14th Congress, 1st session, pp. 1115–1117.

bia was instructed to ascertain if a law were in force authorizing the imprisonment of a negro and his sale into slavery for jail fees and other charges.* The committee reported that this was possible in Alexandria County and Washington County, though quite unlikely to occur, and recommended that no change be made. For the Virginia side of the District it reported a bill providing that, when free persons of color were arrested on the Maryland side and discharged, the jail fees and other charges should be paid by the county.† Georgetown and Washington City protested against this and the bill was never considered.

But the abolition sentiment had now been aroused. The Twentieth Congress had not been long in session when numerous petitions for the enactment of a law gradually abolishing slavery in the District were presented.‡ It was requested that the domestic slave trade should cease, that the importation of negroes for sale from various States in the District should cease, that private slave pens should be suppressed, that the public prisons be no longer used for confining slaves (the property of dealers), and that a day be named after which all children born of slave parents should be free on attaining a certain age. These petitions availed little, however. They were referred to the committee for the District, which reported a bill that was never considered, and the petitioners, undismayed, just as vigorously besieged the Twentieth Congress during its second session. This time Miner championed their cause and forced the House to take action by introducing a set of resolutions of his own, detailing the iniquitous features of the slave trade. Miner's resolutions provided that the Committee for the District be instructed to take the allegations contained in the various petitions into consideration, inquire into their truth, examine the slave code, look into the slave trade, report the necessary legislation, and state whether or not it was expedient that slavery be gradually abolished in the District.*

When the discussion began, an effort was made to strike out the preamble, for many of the members said that they had never before heard of many of the allegations therein made, but were willing to vote for the inquiry. Miner, therefore, proceeded to prove the allegations. As evidence, he introduced a report of the keeper of the city prison stating that, during the five years from 1824 to 1828, slave dealers had caused to be confined in the city prison 452 negroes until their owners were ready to take them South,

* *Register of Debates*, vol. iii., p. 555.

† *Ibid*, p. 654; *Niles' Register*, vol. xxxi., pp. 343–345.

‡ *Niles' Register*, vol. xxxiv., pp. 191–192.

* *Register of Debates*, vol. v., p. 167; Benton, *Abridgment*, vol. x., pp. 299–300; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 303.

and that 290 others had been imprisoned as runaways.* In 1827 five negroes, committed without evidence that they were slaves, were sold for jail fees and other expenses. He then went on to cite many instances of barbarous cruelty, reading passages from letters and advertisements disclosing the horrors of the slave trade. In the course of this speech of January 7, 1829, he said:

"Suppose a distinguished foreigner, of correct and expanded views, who had listened with interest to the accounts of our republic, and whose mind is imbued with the liberal principles of the age, is resolved to visit us. He leaves the despotic shores of the European continent with delight. He prays for impelling gales to waft him to this land of justice and freedom. The ten miles square, where the united wisdom and unrestricted power of the nation operate — with what elastic hope and anxious pleasure does he pursue his way to this city. And what objects are here presented to his view? At one market he meets a crowd; and, as he passes near, behold it is a constable exhibiting a woman for sale, subjected to the scoffs and jeers of the unfeeling! He is selling her for a petty debt under the authority of the sanction of Congress. * * * To remove the painful impression, he takes up a newspaper of the District, and reads 'Cash in the Market, and the Highest Prices' for men and women. He walks abroad and sees a gang of slaves handcuffed together, a long chain running between them and connecting the whole miserable objects of horror and despair, marching off under the command of the slave traders. * * * This District ought to be the best governed in the universe. It is absolutely the worst governed. It would not be going much too far to say that there is more crime and more misery here than in any other spot of equal extent on the globe. In 1826 and '27 there were not less than 634 persons committed to the prison in this city for debt. * * * Within the same two years there were no less than 334 persons committed to this goal for criminal offences. This is independent of those committed to Alexandria, for there are two public prisons in the District. Did any body ever hear of such a thing in a Christian and civilized country?" *

After listening to a reply by a slaveholding member, the House rejected the preamble with its allegations, but instructed the committee to make an investigation,† which proved as fruitless as any that had preceded it.‡

Meanwhile a serious quarrel had arisen between Georgia, the President, and the Cherokee and Creek Indians. The territory now forming part of Alabama and Mississippi had been ceded by Georgia in 1802, when it was stipulated that the Indian title to land within the State of Georgia should be extinguished by the United States.‖ At that time the Indians possessed about 26,000,000 acres in the State, of which the Creeks owned 18,000,000 and the Cherokees about 8,000,000. The Federal government immediately began negotiations for purchasing this territory, and in the course of twenty years had acquired 14,000,000 acres from the Creeks and 1,000,000 from the Cherokees. This rate of acquisition was too slow for the Georgians, who, charging the United States with bad faith and with violating the agreement of 1802, threatened to take the matter into their own hands. In 1819 a memorial

* *Register of Debates*, vol. v., p. 176; Benton, *Abridgment*, vol. v., pp. 306–307.

* *Register of Debates*, vol. v., p. 179.

† *Ibid*, pp. 181–187, 191–192.

‡ McMaster, vol. v., pp. 223–226.

‖ Von Holst, *Constitutional and Political History*, vol. i., p. 433; Phillips, *Georgia and State Rights*, in *Annual Report of American Historical Association*, for 1901, vol. ii., p. 34.

on the immediate acquisition of the Creek and Cherokee territories was sent to Congress. On January 7, 1822, the memorial was referred to a committee to recommend what was to be done to complete the agreement of 1802. This committee reported that the United States had been inconsistent in its methods of extinguishing the Indian title, and stated that the United States ought to negotiate treaties to extinguish all Indian title to land within the State at the earliest possible moment.* On June 15 and August 24, 1822, therefore, the President appointed three commissioners to negotiate a treaty with the Cherokees to secure such a piece of territory belonging to them as would pacify the Georgians. The nominations of these commissioners were not approved by the Senate before March 17, 1823, and it was October 4 when the commissioners met the council of the Creek nation. It was then proposed that the United States buy all or part of the Cherokee territory in Georgia, that the Indians move beyond the Mississippi to a tract of the same size as that they had left behind, or that they cede to the United States for the use of Georgia such lands as they could spare. The Indians replied that they would never again cede a foot of land, and the commissioners were unable to dissuade them from their determination.† On January 19, 1824, a memorial was presented to Monroe by a delegation of the Cherokee nation assuring him that the Cherokees would not part with another foot of soil and requesting Congress to release the Government from its compact with Georgia.*

On January 30, 1824, this memorial was answered by Calhoun, who said that the compact must be kept, that the Cherokees could no longer remain as a distinct nation in any State, and that, sooner or later, they must either become a part of Georgia or remove beyond the Mississippi.† As the Cherokees again refused, Calhoun on February 17, 1824, requested that the governor of Georgia express his opinion on the matter.‡ Governor George M. Troup reproached the Federal Government for the slothfulness with which the affair had been conducted; asserted that Georgia was determined to have the Cherokee land at any cost; and that, if the Indians did not willingly yield it, the United States must either aid Georgia in taking it forcibly, or fight her.‖ This answer aroused Monroe, and in a special message to Congress on March 30, 1824, he defended the Government's Indian policy. He said:

"I have no hesitation, however, to declare it as my opinion that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact, that their

* *American State Papers, Indian Affairs*, vol. ii., pp. 259–260.

† *Ibid*, vol. ii., pp. 465–473.

* *Ibid*, vol. ii., p. 473.

† *Ibid*, vol. ii., p. 473

‡ *Ibid*, vol. ii., p. 475.

‖ *Ibid*, vol. ii., pp. 475–476.

title should be extinguished at the expense of the United States, when it may be done peaceably and on reasonable conditions, is a full proof that it was the clear and distinct understanding of both parties to it that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust."*

Shortly afterward the Cherokee agent was instructed, "without delay, and in the most effectual manner, to expel white intruders from Cherokee lands."† The Creeks also became uneasy and at a council at Tuckaubathee, May 25, 1824, decided to follow the example set by the Cherokees. They determined not to sell a single foot of their land either by exchange or otherwise, and decided that death should be the penalty for any infraction of this law. On October 29 of the same year a council of chiefs at Polecat Spring passed a similar resolution.‡ The commissioners who had been treating with the Cherokees then requested the Creek chiefs to confer with them, but nothing was accomplished, though the commissioners did ascertain that there were a few chiefs who, for a consideration, would sacrifice the interests of their people. On February 12, 1825, a treaty was concluded with these chiefs at Indian Springs,* and was ratified by the Senate† on March 3, during the last moments of Monroe's administration. In consideration of $400,000 and a tract of land beyond the Mississippi, these chiefs sold to the United States almost all the lands owned by the Creeks in the State of Georgia. On March 5, 1825, "under the unsuspecting impression that it had been a negotiation in good faith and in the confidence inspired by the recommendation of the Senate," Adams signed it and it became a law.‡ The Creeks then became enraged, and, in accordance with the law passed by them, put to death three of the chiefs who had concluded the treaty. The grand jury at Milledgeville branded the deed as "nefarious murder"‖ though the Creeks were undoubtedly justified in passing and executing such a law, by their own customs as well as by their tribal status as recognized by the treaties. Instantly the whole Georgia frontier was in an uproar and the followers of the murdered chiefs deserted their homes and sought Governor Troup's protection.

Tidings of these events soon reached Washington. According to one report, the murder of the three chiefs was traceable to a proclamation issued by Troup assuming juris-

* Richardson, *Messages and Papers*, vol. ii., p. 235; *Annals of Congress*, 18th Congress, 1st session, p. 463; *Niles' Register*, vol. xxvi., p. 101. For the report of the committee to which the message referred see *American State Papers, Indian Affairs*, vol. ii., pp. 495–498. For other documents see *Annals*, pp. 464–472.

† McMaster, vol. v., pp. 177–178.

‡ *Niles' Register*, vol. xxvii., pp. 222–224.

* For text see *American State Papers, Indian Affairs*, vol. ii., pp. 563–564; *Niles' Register*, vol. xxviii., pp. 63–64.

† *Statutes-at-Large*, vol. vii., p. 437.

‡ See his first annual message of December 6, 1825, in Richardson, *Messages and Papers*, vol. ii., p. 306.

‖ *Niles' Register*, vol. xxviii., pp. 196–197.

diction and announcing that the Indian lands would be surveyed at once. Troup sent assurance to Washington that there would have been no trouble had it not been for the criminal conduct of the agent. To ascertain the truth President Adams sent a special agent (T. P. Andrews) to examine the charges made by the different parties, and also ordered General Gaines to Georgia to quiet the excitement of the Creeks, and, if necessary, to call upon Governor Troup for militia to keep the Indians in order. On his way south Andrews delivered a letter from the Secretary of War to Troup which stated that the President "expected" that the survey would not be made.* It had been stipulated by the treaty that the Creeks might delay their removal until September 1, 1826, during which time no survey of their lands should be made.† Troup cared little for this, however, for in his opinion the minute the treaty was ratified, Georgia had absolute title and jurisdiction over the Creek territory — and without exception or qualification. The United States had authority to protect the Indians, but could do no more.‡ Soil and jurisdiction went together, and Georgia would never have a better title to the land than she possessed at that moment. An unseemly contest now ensued between Troup, Gaines and the President as to whether or not the survey should be made.* The tone of Troup's letter was certainly not diplomatic, and he could not resist the temptation to drag in the slavery question.†

The opportunity to bring this into the discussion was afforded by a motion of Senator King, of New York, to devote the surplus of the sale of public lands, after the National debt had been paid, to the emancipation of slaves and the colonization of free negroes; and by an opinion of Attorney-General Wirt in which he held to be unconstitutional a law in South Carolinia providing for the imprisonment of colored persons working on a ship until the ship left the harbors of the State. In his message of May 23, 1825, Troup mentioned these facts as being "officious and impertinent intermeddlings with our domestic concerns" and said that "very soon, therefore, the United States government, discarding the mask, will openly lend itself to a combination of fanatics for the destruction of everything valuable in the southern country." He earnestly entreated the Legislature "now that it is not too late, to step forth, and, having exhausted the argument, to stand by [its] arms."‡

* *Niles' Register*, vol. xxviii., p. 317.

† *Statutes-at-Large*, vol. ii., pp. 141–142.

‡ *Niles' Register*, vol. xxviii., p. 318. Troup's letter of June 3.

* *American State Papers, Indian Affairs*, vol. ii., p. 795, *et seq.*

† For the letter see *Niles' Register*, vol. xxviii., p. 318.

‡ *Ibid*, vol. xxviii., pp. 275–276, 240; *American State Papers, Indian Affairs*, vol. ii., pp. 751–753; H. V. Ames, *State Documents on Federal Rela-*

The committee to which this part of the message was referred "proclaimed that the hour is come, or is rapidly approaching, when the states from Virginia to Georgia, from Missouri to Louisiana, must confederate, and, as one man, say to the Union: We will no longer submit our retained rights to the sniveling insinuations of bad men on the floor of Congress, our constitutional rights to the dark and strained constructions of [designing] men upon judicial benches."* Hence the legislature should approve the governor's exhortations for the Georgians to stand by their arms, and the members "for the support of this determination [should] mutually pledge to each other [their] lives, [their] fortunes, and [their] sacred honor."† But fortunately the House took no action in the matter and the subject was dropped.‡

On June 13, 1825, Troup notified Gaines that the survey would be undertaken in spite of opposition from any quarter.|| Later he wrote Gaines that the laws of Georgia had been extended over the Creek territory and he would execute them.* On June 25 a letter was sent to Troup by the War Department notifying him that the execution of his scheme would be on his own responsibility and that the Federal government would not be responsible for the consequences.† Troup answered that the Federal government was inciting the Indians to bloodshed and that Georgia would "guard and fence herself against the perfidy and treachery of false friends."‡ On July 21 Troup was informed of the President's decision that the survey would not be allowed;|| Gaines was instructed to use armed force wherever necessary and a copy of these instructions was sent to Troup.§ On August 7 Troup wrote to the President a letter in which he claimed that Adams made and broke treaties at pleasure. The letter ended thus:

"Now, sir, suffer me in conclusion to ask if these things have been done in virtue of your instructions, expressed or implied, or by authority of any warrant from you whatsoever; and, if not so done, whether you will sanction and adopt them as your own, and thus hold yourself responsible to the government of Georgia."¶

Long before this Adams had become convinced that the chiefs who

tions, no. v., p. 17. In this connection see also U. B. Phillips, *Georgia and State Rights*, in *Annual Report of the American Historical Association* for 1901, vol. ii.

* *Niles' Register*, vol. xxviii., p. 271. See also *American State Papers, Indian Affairs*, vol. ii., pp. 731–734.

† *Niles' Register*, vol. xxviii, pp. 271–272; Ames, *State Documents on Federal Relations*, no. v., p. 17, also no. iii., pp. 25–31. See also Phillips, *Georgia and State Rights*, in *Annual Report of the American Historical Association* for 1901, vol. ii., pp. 58–60.

‡ McMaster, vol. v., p. 205.

|| *Niles' Register*, vol. xxviii., p. 392; *American State Papers, Indian Affairs*, vol. ii., p. 796.

* *American State Papers, Indian Affairs*, p. 795; *Niles' Register*, p. 393.

† *American State Papers, Indian Affairs*, p. 808.

‡ *Niles' Register*, vol. xxviii., pp. 392–398; *American State Papers, Indian Affairs*, vol. ii., p. 809.

|| *American State Papers, Indian Affairs*, vol. ii., p. 809; *Niles' Register*, vol. xxviii., p. 412.

§ *Niles' Register*, vol. xxviii., p. 413; *American State Papers, Indian Affairs*, vol. ii., p. 810.

¶ *Niles' Register*, vol. xxix., pp. 14–16; *American State Papers, Indian Affairs*, vol. ii., pp. 812–814.

had signed the treaty of Indian Springs represented but a small portion of the nation. He was satisfied also that force would be necessary to make the Indians leave their territory. As he did not wish to resort to arms, Adams instructed the Secretary of War to summon the chiefs to Washington, and there, on January 24, 1826, a new treaty was concluded and subsequently ratified by the Senate* As this treaty ceded much less territory than the treaty of Indian Springs, the Georgians considered it unpardonable. Troup declared that he would not recognize the last treaty, and ordered the work of surveying to begin on the territory not ceded by the Creeks. On appeal by the Indians, Adams ordered the arrest of the surveyors and informed Troup that, if it became necessary, the survey would be stopped by United States forces.† On January 31, 1826, he laid the whole matter before Congress in a special message,‡ but that body did nothing and Georgia continued her aggressions against the Indians in her own way. The legislature adopted a set of resolutions declaring that the United States had violated the contract with Georgia, which breach of good faith had caused the trouble with the Cherokees; that Georgia was the absolute owner of all lands within the limits of the State; that she had a right to spread her laws over the whole territory in dispute; and that, being mere tenants, the Indians could be expelled at any time and the State take possession.*

Meanwhile the new treaty had been bitterly denounced in Georgia. Unlike the treaty of Indian Springs, the new treaty did not stipulate simply for the "whole territory lying within the State of Georgia." The Administration had endeavored to transfer this whole article unchanged into the new treaty, but the Creeks would not listen to it because the boundary between Georgia and Alabama had not yet been drawn and therefore they would not have known what they actually had ceded.† Berrien, of Georgia, accused the Administration of having made itself the "conscious instrument of the fraud" which the chiefs planned against their own tribesmen. Troup declared (February 17, 1827) that he held only to the treaty of Indian Springs, as the rights gained by Georgia through that could not be taken away.‡ Accordingly the surveyors were ordered to begin work on the territory lying west of the boundary lines indicated in the treaty concluded at Washington. The Indians compelled the surveyors to stop

* *Statutes-at-Large*, vol. vii., p. 268; *American State Papers, Indian Affairs*, vol. ii., pp. 613–614. See also Schouler, *United States*, vol. iii., pp. 373–374.

† Schouler, *United States*, vol. iii., pp. 380–381.

‡ *Richardson, Messages and Papers*, vol. ii., pp. 324–326; *American State Papers, Indian Affairs*, vol. ii., pp. 611–612; *Niles' Register*, vol. xxx., pp. 175–178.

* McMaster, vol. v., pp. 181–183. Resolutions adopted December 19 and 27, 1827.

† *Niles' Register*, vol. xxxi., p. 282.

‡ *Ibid*, vol. xxxii., p. 16.

work and appealed to Adams, who ordered the United States attorney and marshal of Georgia to imprison any persons engaged in land surveys on the other side of the boundary last agreed upon and to bring them before the proper court. Troup was informed of these orders and told that Federal soldiers would be sent to prevent further interference with the treaty.* On February 5, 1827, Adams laid the matter before Congress in a special message† saying that he had abstained from the application of any military force because if the army "should have been employed to enforce its violated law, a conflict *must* have ensued, which would itself have inflicted a wound upon the Union and have presented the aspect of one of these confederated states at war with the rest."‡

Troup defied the government with the "defiance which it [the Secretary's letter] merits" to enforce the treaty stipulation and said that such an attempt would be resisted to the utmost. He instructed the legal officers of the State to use every means to free the imprisoned surveyors and to bring those concerned in their imprisonment to trial. He ordered also the State military officers to hold the troops in readiness "to repel any hostile invasion of the territory of this State,"* "by the unblushing allies of the savages."† On February 27 he sent a circular to the Senators and Representatives of Georgia informing them of his action, at the same time saying that the question of State sovereignty could not be decided by the Supreme Court, but must be solved in some other way.‡ On the other hand Congress took no action in response to the President's message.

The Cherokees had now become quite civilized; their territory was richly endowed by nature; they had applied themselves to agriculture and to manufacturing on a small scale; and by degrees were acquiring the outward evidences of civilization attained by their white neighbors.‖ Naturally they wished to give up neither their land nor their political and social organization, using every means to prevent the Creeks from ceding their lands, well knowing that Georgia could more easily present the same alternative to them if first she got rid of the more powerful brother-tribe. That Georgia intended to accomplish this very thing is apparent from the tenor of her legislative enactments. On December 2, 1826, she passed a law depriving all Indians not

* Niles, vol. xxxi., p. 372; *American State Papers, Indian Affairs*, vol. ii., p. 864; Schouler, *United States*, vol. iii., p. 381.

† Richardson, *Messages and Papers*, vol. ii., pp. 370–373; *American State Papers, Indian Affairs*, vol. ii., pp. 862–863; *Register of Debates*, vol. iii., pp. 267–269; Benton, *Abridgment*, vol. ix., pp. 299–300.

‡ For the report of the committee to which the documents were referred see *American State Papers, Indian Affairs*, vol. ii., pp. 869–872.

* *Niles' Register*, vol. xxxii., p. 16.

† Harden, *George M. Troup*, p. 485.

‡ *Niles' Register*, vol. xxxii., p. 20.

‖ See *Exec. Doc.* 102, 23d Congress, 1st session. *Cf.* Wirt's letter of June 4, 1830, in *Niles' Register*, vol. xxxix., pp. 69–70.

acquainted with the English language of the right to testify in a State court* and exactly a year later extended the criminal jurisdiction of the State over a part of the Cherokee territory by adding it to the counties of Carroll and De Kalb.† This was too much for the Indians and a delegation was sent to Washington which, on February 11, 1829, presented to President Adams a written protest against these encroachments, but Adams took no steps in the matter because his term of office was to expire in a few weeks. Hence the adjustment of the dispute was left to Jackson.

CHAPTER XXXVIII.

1815–1832.

SOCIAL AND ECONOMIC CONDITIONS AND PROBLEMS.

Growth of population — Conditions in New York — Efforts to introduce gas lighting — The introduction of anthracite coal — Migration to the West — Efforts to secure land grant for immigrants — Conditions in the Southwest — The use of steamboat navigation — Attempts to obtain National aid for internal improvements — Opening of the Erie Canal — State appropriations for internal improvements — Early railroad charters — The problems of paupers, petty criminals and debtors — Relief, benevolent and other societies — Reform of the penitentiary systems — Condition of the working classes — The formation of labor organizations — The Free Enquirers and the Rappites — Robert Owen's communistic experiment at New Harmony — Fanny Wright's settlement at Nashoba — Entrance of the workingmen into politics — Labor journals — Labor conventions — The kidnapping of William Morgan and its political influence — Rise of the Anti-Masonic party.

The census of 1820 brought forth some remarkable and interesting facts. The population of the country had increased from 7,239,881 in 1810 to 9,638,453 in 1820. Of the inhabitants in 1820, about 1,600,000 lived in New England, 2,700,000 in the Middle States, 2,900,000 in the Southern States, and 2,250,000 in the West. The population of Delaware had increased only 75 during the decade, while New York had assumed first rank as the most populous State, superseding Virginia, the former then having 1,372,812, while the latter had only 1,065,366. Pennsylvania closely followed Virginia with 1,049,458. New York had increased 413,000, and Ohio came next with an increase of 351,000, which raised her from thirteenth to fifth place. Massachusetts had dropped back from fifth to seventh place, having a population of only 523,287, and thus falling behind North Carolina with 638,829, Ohio with 581,434, and Kentucky with 564,317. During the decade, or immediately following the taking of the census, six States had entered the Union, Indiana having been admitted on December 11, 1816, Mississippi on Decem-

* *Niles' Register*, vol. xxxv., p. 42.

† *Ibid*, vol. xxxv., p. 42; McMaster, vol. v., p. 183.

ber 10, 1817, Illinois on December 3, 1818, Alabama on December 14, 1819, Maine on March 15, 1820, and Missouri on August 10, 1821. New York City then became the metropolis of the country, having increased her population from 96,372 in 1810 to 123,706 in 1820. The city had now become the favorite spot for landing emigrants from England and Ireland, and as most of these settled in this port city its wonderful growth may easily be accounted for. Boston had increased from 33,250 in 1810 to 43,298 in 1820; Albany from 9,356 to 12,630; Baltimore from 35,583 to 62,738; while Philadelphia contained about 112,772 inhabitants. One of the most remarkable cities was Charleston, which had 24,711 inhabitants in 1810 and only 70 more in 1820.

Between 1820 and 1830 the changes were quite as noticeable. The total population in 1830 was 12,866,020, an increase of 33¼ per cent. New York still held first rank as the most populous State with 1,918,608 inhabitants. Next in order came Pennsylvania with 1,348,233, Virginia with 1,211,405, Ohio with 937,903, North Carolina with 737,987, Kentucky with 687,917, Tennessee with 681,904, Massachusetts with 610,408, South Carolina with 581,185, and Georgia with 516,823; all the others having less than 450,000. New York City still held prestige as the largest city with 202,589, and Philadelphia was still second with 161,410. The next largest cities were Baltimore with 80;625, Boston with 61,392, New Orleans with 46,310, Cincinnati with 24,831 (an increase of 9,642) and Albany with 24,238. Buffalo and Rochester had grown enormously — the former from 2,095 in 1810 to 8,653 in 1820, and the latter from 1,502 to 9,269. Other cities showing large growth were Louisville (from 4,012 to 10,341), Albany (from 12,630 to 24,238), Brooklyn (from 7,175 to 15,396), and Troy (from 5,264 to 11,405). Among cities not previously enumerated were Detroit, with 2,222, Lowell, Massachusetts, with 6,474, and Nashville, Tennessee, with 5,566. During the decade Savannah, Georgia, gained only 53, increasing from 7,523 to 7,776.*

New York City had grown so rapidly that houses were at a premium. There was not an unoccupied dwelling-house in the entire city; in the upper wards, on sites which in 1820 were covered with marshes, were now entire blocks of fine brick houses. In Canal Street, formerly containing a stagnant pool, a new city had arisen. New streets had been opened in Greenwich and new buildings were constantly being erected all along the Bowery. Never in its history had the commerce of the city been greater. During the course of a single year $10,000,000 had been collected in duties. An average of 1,300 vessels yearly entered the port. There were twelve banks in the city, with an ag-

* The population of all the States by decades will be found in volume i., pp. 10–11, of this History.

gregate capital of $13,000,000 and ten marine insurance companies with a capital of $10,000,000. These, however, were insufficient to transact the great volume of trade in the city, and, when the legislature met, 27 more banks applied for charters with a combined capital of $22,500,000, and 31 other corporations with a capital of $15,000,000.*

Despite its commercial importance, New York was in many respects a country village. Its governmental facilities had not increased with its population. It had become large in area before it ceased to be small in customs, usages, and the administration of affairs. Besides the mayor, alderman and recorder, there were departmental officials, such as the superintendent of streets, the chief engineer of the fire department, etc. The street superintendent had little to do with cleaning the streets, however, for the occupants of dwelling-houses and owners of vacant lands on paved streets were required to scrape and sweep the pavement as far as the middle of the roadway, gather the sweepings in a pile and on it place ashes and other rubbish from the house. The city removed this rubbish and also swept the paved streets before unoccupied houses at the cost of the owner. Between December and April no street cleaning was attempted, and hogs were allowed to roam the streets provided they had rings in their noses. The night watch cared for the lamps and other utensils used to illuminate the streets, and at sundown lighted the lamps and kept them burning until morning. Similar conditions existed in Philadelphia.

In 1816 an effort was made to introduce gas, and Dr. Kugler began the manufacture of what was known as carbonated hydrogen.* The apparatus was installed in Peale's Museum at Baltimore and a gaslight company was formed in that city in 1816 for the purpose of furnishing the city and individuals with gaslight,† but the process of laying the pipes was so slow that the company did not begin business before 1820. In 1822 Boston adopted gas as a means of street lighting and New York in 1823, when the New York Gas Light Company was incorporated. An attempt was made to introduce gas in Philadelphia in 1825, when a bill was discussed in the legislature to incorporate the Philadelphia Gas Light Company, with power to lay pipes in the streets and furnish gas. Public prejudice defeated the scheme, for gas was de-

* McMaster, vol. v., pp. 122–124.

* As early as 1796 gaslights were made and exhibited by Peter Ambrose and Company, manufacturers of fireworks, at their amphitheatre in Arch Street, above Eighth, Philadelphia. The inflammable air issued from orifices in bent tubes of various designs. In 1802 Benjamin Henfry, an Englishman, proposed to light with gas made from coal the neighborhood of Central Square, Philadelphia. He proposed also to light the government lighthouses along the coast in the same manner. On April 16, 1802, he was granted a patent for a "cheap mode of obtaining light from fuel." See Bishop, *History of Manufactures*, vol. ii., pp. 67, 93.

† Bishop, *History of Manufactures*, vol. ii., p. 231.

nounced as an unsafe and unreliable means of illumination, while its manufacture was considered a nuisance. Despite the arguments in its favor, Philadelphia was without gas until 1837.*

The same difficulty was encountered in introducing the use of anthracite coal. It was known that anthracite abounded in Pennsylvania, and in 1792 the Lehigh Coal Mine Company had been formed to mine coal in Lehigh County. Wood was plentiful, however, and as most stoves were suited to its use, the new fuel seemed unnecessary; and the company could secure no market. Hence the experiment failed completely. One of the problems to be solved was that of transportation from the mine to the river landings. Some time later the obstructions in the Lehigh were removed so that coal could more easily be transported to a wire factory at the Falls of the Schuylkill. Several arks were loaded with coal and sent down the river,† but three of them were wrecked and the two cargoes that reached their destination brought $21 a ton. Failure attended every effort to light a fire in the furnaces until one night a workman shut the door of one of the furnaces and started home in disgust. Returning a little later, however, the man found the coal burning brightly and the furnace red hot. This solved the problem of the draft, and thenceforth the coal and iron industries of Pennsylvania developed steadily. In 1819 coal was advertised at Philadelphia at $8.40 a ton. A new coal company was organized, and in 1820 365 tons of anthracite reached Philadelphia. To New Yorkers the new fuel was a great boon, for the vast quantities of wood consumed by the steamboats and ferryboats had driven the price up to a figure prohibitive to persons in moderate circumstances. The coal sold at $8.50 per ton, but at first the householders were loath to bear the expense of replacing andirons with grates. Finally, however, in order to secure a market, the coal dealers gave grates to persons who would promise to use coal; and thereafter the sale was brisk. At one time New Yorkers boasted of 4,000 tons of coal stored in their city, which was believed to be the largest coal heap in the country.*

The growth of the West was phenomenal during the years immediately following the war, but it had taken place at the expense of the East.† The ill effect upon the resources and incomes of the people in the East of the imposition of new taxes, just prior to and during the war, compelled many to sell their possessions and secure homes in the vicinity of the Great

* On November 25, 1816, however, the New Theatre at Philadelphia was illuminated with gaslights under the direction of Dr. Kugler, this, according to Bishop (*History of Manufactures*, vol. ii., p. 231) being the first theatre on the continent so illuminated.

† Bishop (*History of Manufactures*, vol. ii., pp. 105, 117) says coal was sent down the river as early as 1804.

* McMaster, vol. v., pp. 129–130.

† Turner, *Rise of the New West*, p. 56 *et seq.*

Lakes or in the Mississippi Valley. Ohio, which contained 230,760 population in 1810, grew to 581,434 in 1820 and to 937,903 in 1830; during the same period Indiana's growth was from 24,520 to 147,178 in 1820 and to 343,031 in 1830, and Kentucky from 406,514 in 1815 to 564,317 in 1820 and 687,917 in 1830. The West was almost transformed, villages and towns springing up with amazing rapidity. One little town in Jefferson County, Ohio (Mt. Pleasant), which in 1810 was a little hamlet containing seven families living in cabins, in 1815 contained 90 families numbering 500 persons, and had seven stores, three taverns, a market house, a school house, a meeting house, a wool-spinning machine, a thread factory, and forty artisans and mechanics, representing eleven trades; while within a radius of six miles were nine merchant mills, a paper mill, twelve saw mills, two grist mills and a factory for fulling wool cloth.* Cincinnati had several shops devoted to the manufacture of nails, made firearms of all kinds, cotton and woolen machinery, saddlery and carriage mountings, clocks, pottery, window glass, furniture of all descriptions, vehicles of all kinds, boots and shoes, hats, beers, porter and ales, flour, mustard, white lead, sugar, soap, candles, etc.; and there were a steam saw-mill and four cotton spinning establishments.† After the early 20's its principal industry, however, was pork-packing, from which it gained the name "Porkopolis."*

By 1817 migration to the West had become so great that its effects were plainly visible on the seaboard, where some towns were almost depopulated while the majority ceased growing altogether. Indeed, as Morris Birbeck wrote in 1817: "Old America seems to be breaking up and moving westward."† If not for the constant influx from Europe, the depopulation of the Atlantic States would have been still more perceptible. It was almost impossible for so many new-comers to secure employment at once, however, particularly in a time of general business depression; and many, finding their dreams of prosperity unrealized, returned home. Those who remained were cared for at Philadelphia by the Society of United Irishmen and at New York by the Shamrock Friendly Association. As immigration from Ireland increased other associations were formed, such as the Hibernian Society of Baltimore, the Irish Emmigrant Society of New York, and similar societies in Philadelphia and Pittsburg.

On February 16, 1818, in order to encourage emmigration to the West the New York Irish Emigrant Association, the Hibernian Society of Baltimore and the Philadelphia Society

* McMaster, vol. iv., p. 385.

† *Niles' Register*, vol. ix., pp. 35–36.

* Turner, *Rise of the New West*, p. 97; Drake and Mansfield, *Cincinnati in 1826*.

† Birbeck, *Notes on a Journey from Virginia to Illinois*, p. 25.

called on Congress for aid in the shape of a land grant.* They desired Congress to set apart a tract of unsold land in Illinois for the exclusive use of Irish immigrants, and to extend 14 years' credit to each settler. In their effort to secure the consent of Congress to this grant, the agents of the societies at Washington, on February 18, 1818, offered six specific propositions to the Committee on Public Lands, requesting that the Secretary of the Treasury be authorized to set apart a certain number of townships east of the military bounty line in Illinois; that each alternate section of these townships should be sold only to Irish immigrants; that no one should be permitted to buy more than a square mile; that the price should be $2 per acre, payable in three instalments in four, eight and twelve years; and that each settler must cultivate one-fifth of all the property purchased, erect a dwelling house, and if he did not comply with the three conditions of settlement and mode of payment he might be dispossessed at the end of twelve years.† But the committee did not consider it good policy to sell the large tracts of land in Illinois at $2 per acre with long credit when land in Alabama was selling at $73 per acre and in Mississippi at $40, and the petition resulted in nothing.

In the Southwest there had also been astonishing changes. In 1820 St. Louis contained 4,598 population and by 1830 had grown to 5,852. Louisville had outstripped St. Louis, having grown from 359 in 1800 and 1,357 in 1810 to 4,012 in 1820, and 10,341 in 1830. In 1789 the first brick house in Louisville was built; in 1801 the first newspaper, *The Farmers' Library* was published (being succeeded in 1808 by *The Louisville Gazette*); in 1810 its first policemen were appointed at a salary of $250 per year; and in 1813 the first street in the city was paved. In 1811 a Catholic Church was erected followed by a Methodist Church in 1812, the First Presbyterian Church in 1816, and Christ Church Episcopal in 1825. The city was rapidly becoming a commercial centre and early gained a reputation as a liquor emporium.* South of St. Louis the frontier crossed Arkansas and passed far to the west of Alexandria, where at the falls of the Red River a flourishing town existed. Alabama was the favorite place for southern emigrants. In 1813 this was practically a wilderness, overrun by the Creek and Seminole Indians. In 1816 Fort Claiborne, on the bank of the Alabama, consisted of the log cabin of one lone settler, but two years later there were 2,700 people living there. In 1817 the site of Blakely was a dense forest, but a year

* *Niles' Register*, vol. xiv., pp. 211–215; *Annals of Congress*, 15th Congress, 1st session, pp. 202–205.

† *Niles' Register*, vol. xiv., pp. 229–235; McMaster, vol. iv., pp. 393–394.

* Hulbert, *The Ohio River*, pp. 274–275.

later there were 80 dwellings, 500 inhabitants, and 10 warehouses.*

The rapid emigration to the West gave new impulse to internal improvements, for with the development of new fields for commercial enterprise in the West the question of cheap transportation of freight assumed great importance. The seaboard manufacturers, shippers and importers who had previously looked to Europe for their trade now faced about to seek their custom from the Mississippi Valley. The need of good routes of transportation† produced a demand for State aid to transportation facilities. State after State complied and an era of internal improvements opened. One of the most important characteristics of the era was the development of steam navigation. Up to 1812 the use of steamboats had been confined to the Hudson and the Delaware.‡ East of New York City not a single steamboat existed and south of Philadelphia but little had been done to open up steam navigation. John Stevens had attempted to establish a line of steamboats on the Chesapeake and a company had even been formed, but no boats were on the Bay, for the grant which he had obtained from North Carolina for exclusive right to navigate the waters of the State was contested by Livingston and Fulton. Public notice was given that the grant was illegal, null, and void; was contrary to the laws of the United States under which Livingston and Fulton had obtained their patent; and that all who conspired with Stevens to invade their rights would be prosecuted. Notwithstanding, rival companies were being established: first, to connect Elizabeth City at the head of the Pasquotank River with New Berne on the Neuse River; second, the Robert Fulton Company to run a boat from Beaufort to Wilmington; and third, the Charleston Steamboat Company to run vessels between Wilmington and Charleston, South Carolina. In 1811 the Potomac Steamboat Company was incorporated by an act of the Virginia legislature, but two years passed before the first of its boats appeared on the river.

There was only one steamboat beyond the mountains — the *New Orleans,* which traveled between Natchez and New Orleans.* It had been doubted that a steamboat could be used on the Mississippi because of the velocity of the current, but in 1809 Nicholas J. Roosevelt made an expert examination and, on rendering a favorable report, was directed to build a steamboat at Pittsburg. This he did and, on October 29, 1811, she left Pittsburg for New Orleans where she arrived on December 24, having been

* *Niles' Register,* vol. xv., p. 198.

† Regarding those then in existence see Turner, *Rise of the New West,* p. 80 *et seq.*

‡ For details see McMaster, vol. iv., p. 397 *et seq.*

* Hulbert (*The Ohio River,* p. 241) says the first ocean-rigged vessel on the Ohio was the *St. Clair,* 110 tons, built at Marietta, on the Muskingum. The *St. Clair* left Marietta in May of 1800, and arrived at New Orleans in July.

delayed by low water.* When the success of the *New Orleans* became known rivals began to appear, and it soon became possible for the planters and farmers of the Mississippi Valley to exchange products with the merchants of Europe and the West Indies.†

But while the West was making such progress, great things were being done also in the East. The monopoly held by Livingston and Fulton over the waters of New York soon began seriously to affect the commerce of that State. All others were compelled to pay royalty for a license, and, as these licenses were very costly, men naturally began to look about for some other motive power than steam. This resulted in the invention of the Teamboat, generally ascribed to Moses Rogers. This was a twin boat with a wheel between the two hulls, the motive power being supplied by eight horses walking in a circle on deck and turning a crank. Though the machinery was primitive it drove the boat across the East River in from eight to fifteen minutes, and as there were no steam boiler, fuel or sails, and as no license fee was to be paid Fulton, this type of boat rapidly came into use. On the Delaware new enterprises were being pushed forward rapidly. The Shrewsbury Stage and Steamboat Company was chartered by New Jersey to run a ferry on the Delaware; the Pennsylvania and New Jersey Steamboat Company was given a charter by each State to operate a ferry between Southwark and Kaighn's Point, New Jersey, and another had been chartered to connect Philadelphia and Baltimore by steam. After the war the *Fulton,* which had been running between New York and Albany, began trips to New Haven, and in May the *Washington* sailed from New York to Norfolk. A boat was constructed by a freight-moving firm (Porter, Barton & Company) to run between Buffalo and Detroit. Steamers soon began to ply between New York and New London, stopping at New Haven; two rival lines operated between Philadelphia and Baltimore; a freight and passenger steamer made trips between Savannah and Augusta; and another made the trip from Charleston to Savannah.*

While improvements were being made in transportation by water, little had been done to facilitate freight shipments and passenger service by land. Unless an easy means of communication were offered between East and West, it was feared that the two sections would become not only commercially but also politically independent of each other. The advent of the steamboat on the Mississippi brought a port within easy reach of the Westerners, and New Orleans was rapidly becoming the emporium of

* Bishop, *History of Manufactures,* vol. ii., p. 173; Hulbert, *The Ohio River,* pp. 330–333.

† McMaster, vol. iv., pp. 400–402. See also Babcock, *Rise of American Nationality,* p. 244.

* McMaster, vol. iv., pp. 402–407.

their trade. The time would come when the Westerners would cease to buy from the importers of New York and Philadelphia unless a good system of National internal improvements were instituted. During the second session of the Fourteenth Congress (1816–17) the matter was taken under consideration. The committee to which Madison's remarks on the subject in his annual message were referred, recommended Gallatin's old plan.* They reminded the House that four short canals across four necks of land would enable ships to go by an inland route from Boston to St. Mary's River. They advised that a National turnpike be constructed from the seaports and large towns along the chief post routes from Maine to Louisiana, also advocating less costly roads leading from some point on the great turnpike in New York to the military and naval stations at Sackett's Harbor, and on the Lakes from Pittsburg to the western frontiers, from Detroit to St. Louis, and from St. Louis to New Orleans. They approved also of aiding the construction of the Erie Canal, of joining Lake Erie with the Ohio River below the falls, and of connecting the head waters of the principal rivers of the Atlantic slope with those flowing into the Mississippi by means of good mountain roads. They did not think, however, that any of these enterprises should be undertaken by the United States alone, and a bill was presented authorizing the Secretary of the Treasury to begin by subscribing to the stock of the Delaware and Chesapeake Canal and to the Dismal Swamp Canal.* But the report and the bill received no consideration in the House, whose attention was wholly engrossed by a bill reported on December 23, 1816, from a select committee appointed on the motion of John C. Calhoun.† Now that business activity had returned, Calhoun believed it all important to look into the plans of internal improvement at Government expense, and he asked that a committee be appointed to consider the expediency and desirability of setting apart the bonus and net annual profits in the form of dividends of the Bank of the United States as a permanent fund for internal improvements.‡ This motion was adopted by the House, the committee was appointed, and on December 23 a bill to that effect was reported. It provided that the $1,500,000 bonus exacted from the Bank as the price of its charter and the dividends on the $7,000,000 of bank stock owned by the United States be set apart for building roads and canals.|| The session was nearly at an end before Calhoun could persuade the House to take this bill under consideration, and when at last the House

* See volume v., pp. 306–307 of this History.

* *American State Papers, Miscellaneous,* vol. ii., pp. 420–423, 438–442; *Niles' Register,* vol. xii., pp. 12–13; *Annals of Congress,* 14th Congress, 2d session, pp. 924–933.

† *Annals,* pp. 296–297.

‡ Jenkins, *Life of Calhoun,* p. 137.

|| *Annals,* p. 361.

did so, he made a long speech on the advantages of good roads and canals.*

The discussion then became general, the question of constitutionality and expediency being discussed at length.† In order to remove all doubts as to the right of Congress to use revenue for internal improvements, Pickering moved that the bill be amended. Finally the bill was passed as Pickering suggested — the bonus and the dividends were to constitute a fund for constructing roads and canals and for improving the navigation of water courses. Such works were not to be begun in any State without first obtaining its consent. The New England members were bitterly opposed to the scheme because of hatred to the West, and because they did not wish to make it easier for the West to depopulate the East. Nevertheless the bill passed in the House by a majority of 2 (86 to 84),‡ and upon being sent to the Senate was passed on March 1 by a vote of 20 to 15.‖ The Senate amendments were accepted by the House by a vote of 61 to 63,§ and the bill was sent to the President for his signature. On March 3, 1817, however, Madison vetoed the bill as being unconstitutional. He said that the power to regulate commerce in the United States could not include the power to construct roads and canals and to improve navigation water courses, and therefore that such power was not possessed by Congress. The States could not confer the power on Congress, since such cases had not been specified and provided for in the Constitution.* An attempt was made to pass the bill over the veto, but it lacked the constitutional two-thirds vote and failed of passage.†

Nevertheless the work of opening and developing communication with the West was not delayed. Four months after Madison had vetoed the Bonus Bill, work was begun on the construction of the Erie Canal at Rome, New York. There had been many ineffectual attempts to construct the Erie Canal but the promoters of the canal were undiscouraged, and when peace returned in 1815 memorials were addressed to the legislature setting forth the advantages to be derived from joining the waters of Lake Erie and the Hudson. Meetings were held in every town of importance and various city corporations seconded the undertaking. In his message of February 2, 1816, Governor Tompkins particularly commended the project.‡ On April 17,

* For the speech see *Annals of Congress*, 14th Congress, 2d session, pp. 851–858; Frank Moore, *American Eloquence*, vol. ii., pp. 479–482; Crallé's ed. of Calhoun's *Works*, vol. ii., p. 190 *et seq.* See also Von Holst, *Life of Calhoun*, pp. 35–37.

† *Annals*, pp. 858–871, 874–923.

‡ *Annals*, pp. 933–934.

‖ *Annals*, pp. 190–191.

§ *Annals*, p. 1052.

* Richardson, *Messages and Papers*, vol. i., pp. 584–585; *Niles' Register*, vol. xii., pp. 25–26; *Annals*, pp. 1059–1062.

† *Annals*, p. 1062; Jenkins, *Life of Calhoun*, p. 138.

‡ *Niles' Register*, vol. ix., p. 422.

1816, therefore, the legislature appointed De Witt Clinton, Stephen Van Rensselaer, Samuel Young, Joseph Ellicott, and Myron Holley commissioners to explore routes for canals from Albany to Lake Erie and from the Hudson to Lake Champlain.* De Witt Clinton was chosen president of the board, and by the end of the summer 450 miles had been explored, surveyed, and leveled, the centre line of the canal had been staked out, and maps and profiles carefully drawn. The veto of the Bonus Bill was a serious setback, as New York's share would have been $90,000 a year. Nevertheless Clinton persevered and on April 15, 1817, an act was passed authorizing the commissioners to begin the construction of the middle section of the canal, from the Mohawk to the Seneca River, and on the northern canal from the Hudson to Lake Champlain. They were empowered to raise $250,000 by special taxes, and a canal fund was created and placed in charge of a board of commissioners, who were not to borrow more than $400,000 per year on the credit of the State. On June 27 the first contract was signed, and on July 4 the first ground was broken at Rome.

After eight years' persistent labor the big ditch was finished, and in June of 1825 the gates at Black Rock were opened and the waters of Lake Erie were dumped into the western division. In October the canal was opened from end to end. On the 26th of that month the celebration of the opening began at Buffalo with a procession and exercises. Two kegs full of water from Lake Erie were placed on board the *Seneca Chief,* which headed a line of gaily decorated vessels. After addresses had been made, the *Seneca Chief* started on her voyage down the canal to New York. On reaching that city Governor Clinton lifted the kegs from the deck of the *Seneca Chief* and poured their contents into the sea.*

The canal was in fact little more than a large ditch, being but 4 feet deep and 40 feet wide. The boats were dragged by three horses at the rate of four miles an hour, with relays at every eight miles, the entire journey consuming about four days. The debt entailed by the State in building the Erie and the Lake Champlain canals was $7,947,770.90, on which the interest was $427,673.55. Before the Erie Canal was finished, however, the toll began to exceed the interest charges, in 1825 amounting to $500,000, and in 1826 to $765,000. The new business created by this immense movement of freight cannot be estimated. The warehouses along the banks of the canal were filled with products of the East and West, with lumber, grain, wheat, flour, poultry, posts, rails, whiskey, etc., bound for

* For text of act see *American State Papers, Miscellaneous,* vol. ii., pp. 400–401.

* *View of the Grand Canal* (Albany, 1825); *Niles' Register,* vol. ix., p. 173; Schouler, *United States,* vol. iii., pp. 347–349; Lamb, *City of New York,* vol. ii. See also David Hosack, *Memoir of De Witt Clinton;* James Renwick, *Life of De Witt Clinton.*

the Atlantic markets, and with furniture, merchandise, salt, etc., bound for the West. To that section, therefore, the opening of the canal was a great benefit.*

New Jersey and Pennsylvania, too, had taken action regarding water transportation. In January of 1816 the governor of New Jersey appealed to the legislature to construct a canal across the State from Trenton to New York, saying that such a canal would be highly profitable. A committee was appointed to select and level the proposed route and to report the cost of construction, but nothing was accomplished then. In 1811 Pennsylvania appropriated more than $825,000 for roads† and during the five years between 1812 and 1816 expended $816,885 on schools and academies, turnpike roads, and on bridges, rivers, and creeks. In the six years before 1815 the State passed about 40 acts for turnpikes and about half as many for bridges.‡ After the war, interest in internal improvements was again displayed, $530,000 being appropriated in 1817, besides which the citizens themselves expended $5,000,000 in private enterprises. At this time there were 1,042 miles of turnpike roads in the State. In order to tap the central part of New York to secure the salt and plaster of that section, it was suggested that the Pennsylvania legislature order an examination to be made of a route for a canal from Elmira to Seneca Lake, and in 1817, with the consent of Governor Clinton of New York, this survey was made. Farther south the people were also demanding better transportation facilities. The Baltimore merchants demanded free pikes to the Cumberland and the Susquehanna where it crossed the State line, and a canal from the Chesapeake to the Delaware. In 1816 Virginia established a fund to be devoted to internal improvements;* in 1818 South Carolina voted $1,000,000 for similar purposes; North Carolina appointed a commissioner to examine and report on the practicability of improving the navigation on the Tar, the Yadkin, and the Neuse rivers, and called on Congress to open direct communication from the ocean to Albemarle Sound.

It was not unnatural, therefore, when such a demand for internal improvements was made, that the matter should again be agitated in Congress. Madison had then retired and Monroe was supposed to be an advocate of internal improvements. When the latter sent in his first annual message on December 2, 1817, he surprised many by stating that in his mind Congress did not possess the right to establish

* A. B. Hulbert, *Historic Highways of America*, vol. xiv., chap. v.; G. S. Callendar, *Early Transportation and Banking Enterprises of the States in Relation to the Growth of Corporations*, in *Quarterly Journal of Economics*, vol. xvii., pp. 3–54.

† *Niles' Register*, vol. ix., p. 143.

‡ Babcock, *Rise of American Nationality*, p. 249.

* *Niles' Register*, vol. ix., p. 429. For the report of the committee on roads and internal navigation, see *ibid*, vol. ix., supplement, pp. 149–154.

a system of internal improvements such as roads and canals. "It [the right] is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to or a necessary means viewed on the most liberal scale for carrying into effect any of the powers which are specifically granted."* His remarks were referred to a special committee which on December 15, 1817, made a most remarkable report,† maintaining that Congress possessed the power under the Constitution to appropriate money for the construction of military and post-roads and canals.‡ The report and a resolution in accordance with it were sent to the Committee of the Whole, but it was March 6, 1818, before the committee was ready to take the matter under consideration. When it did, still more troublesome constitutional questions were raised — such as whether it was necessary to obtain the consent of a State, how that consent should be obtained, how the State could delegate the right to build roads, canals, etc. The broad constructionists finally succeeded in carrying four resolutions through the Committee of the Whole, resolving that Congress did have the power to build post-roads and military roads, could construct canals for military purposes, could build such other roads and canals as were necessary to facilitate interstate commerce, and could appropriate money for these purposes. When the resolutions were considered by the House, all save the last were defeated. But, as it was understood that the President would veto any bill in support of the measure, the whole subject was postponed to a future time.*

The completion of the Erie Canal threatened the western trade of Philadelphia, and the people began to discuss the relative merits of railroads and canals. John Stevens of Hoboken had several times petitioned the New Jersey and New York legislatures for permission to build a railroad across the State, but without avail. In 1815, however, he secured from New Jersey what is claimed to have been the first railroad charter ever granted in the new world. His road was to join the Delaware and Raritan rivers, connecting the steamboat lines from Philadelphia to Bordentown with those from New Brunswick to New York. But the money to build the railroad could not be secured, and the effort again resulted in failure. Stevens did not lose heart, however, but turned to Pennsylvania and proposed to build a railroad between Harrisburg and Pittsburg. But when, on March 31, 1823, the Pennsylvania House of Rep-

* Richardson, *Messages and Papers*, vol. ii., p. 18; *Annals of Congress*, 15th Congress, 1st session, p. 18.

† *American State Papers, Miscellaneous*, vol. ii., pp. 443–447; *Niles' Register*, vol. xiii., pp. 283–287; *Annals of Congress*, 15th Congress, 1st session, pp. 451–460.

‡ For their reasoning see McMaster, vol. iv., p. 423 *et seq.*

* See *Annals of Congress*, 15th Congress, 1st session, pp. 1114–1180, 1185–1250, 1268–1389; Benton, *Abridgment*, vol. vi., pp. 120–122. See also Turner, *Rise of the New West*, pp. 228–229.

resentatives granted Stevens the charter,* it insisted that the railroad should extend from Philadelphia to Columbia, a town on the Susquehanna, 27 miles south of Harrisburg. The charter was to be in force ten years, and the charges were to be 7 cents a ton per mile on west-bound freight and 3½ cents on east-bound freight. With the grant of the charter interest in the enterprise subsided,† and before any other projects of a similar nature were undertaken the people became divided as to whether canals or railroads were better. The advocates of canals at first held the upper hand, and in 1824 the Pennsylvania legislature empowered the governor to appoint three commissioners to explore a route from Philadelphia to the Ohio. The report rendered by this committee awakened widespread interest, and numerous meetings and canal conventions were held to urge the construction of this means of transportation. The legislature established a regular board of canal commissioners in April of 1825, and a year later directed them to start work on the Pennsylvania Canal at State expense and appropriated money for this purpose. On July 4, 1826, ground was broken at Harrisburg, and thus Pennsylvania began the construction of her highway to the West.*

When the State actually began building the canal, the old idea of a railroad was revived, and in July of 1827 the canal commissioners were instructed to make surveys for a route from Philadelphia to Columbia and to finish the work in two years. They were instructed also to examine a route for a railroad over the Alleghany Mountains from Huntington to Johnstown.

Everywhere the construction of railroads became the absorbing topic. In 1826 the New York legislature chartered the Mohawk and Hudson Railroad to join Albany and Schenectady, and in the same year Massachusetts incorporated the Granite Railway Company to extend from Quincy to tidewater on the Neponset River, a distance of three miles.† In 1827 a Board of Commissioners of Internal Improvements was appointed to survey a route for a railroad from Boston to the Rhode Island boundary line and another from that city to the New York boundary line near Albany. On February 28, 1827, some Baltimore merchants obtained a charter from the Maryland legislature for a railroad,

* Bishop, *History of Manufactures*, vol. ii., p. 282.

† The charter was repealed on April 7, 1826, and an act passed to incorporate the Columbia, Lancaster and Philadelphia Railroad Company. Two years later (March 28, 1828) the legislature authorized its construction at the expense of the commonwealth. By October of 1834, the tracks had been laid from Philadelphia to Columbia, 8½ miles. On April 8, 1826, the Danville and Pottsville Railroad Company was chartered. See Bishop, *History of Manufactures*, vol. ii., p. 282.

* McMaster, vol. v., pp. 141–142.

† Since this road was completed this same year, Bishop (*History of Manufactures*, vol. ii., p. 311) claims it was the first railroad constructed in America. See also Charles F. Carter, *When Railroads Were New*, p. 13 (1909).

and on July 4, 1828, the cornerstone of the present Baltimore and Ohio Railroad was laid at Baltimore.* The road from Baltimore to Ellicott's Mills was formally opened to the public on May 24, 1830, on which day a train of six cars drawn by one horse was used. On August 28, 1830, steam was used on the road for the first time. The locomotive (the "Tom Thumb") had been designed and built by Peter Cooper of New York, and passed around a curve of 400 feet radius without difficulty but this achievement was soon forgotten.†

The Baltimore and Ohio Railroad Company now invited inventors and builders of locomotives to enter a competition to determine the merits of steam as a motive power. The company also promised to give the best of these locomotives a trial of 30 days' regular work on the road. Three locomotives entered this contest, but only one, that built at York, Pennsylvania, by Phineas Davis, and known as the York engine, met the requirements. This engine weighed but 3½ tons, drew four cars weighing 15 tons, to Ellicott's Mills, passed curves on 400 feet radius without reduction of speed, and attained a speed of 20 miles an hour when running by itself. Another locomotive was tried on the Mohawk and Hudson Railroad in New York. In July of 1830 ground had been broken for this road, and a year later 17 miles had been completed between Albany and Schenectady. At that time an American-made locomotive, the "De Witt Clinton,"* was placed on the track, attached to a train, and covered the entire distance, including stops, in an hour.† But as some defects were discovered in the locomotive, the road was not opened for business until September, and even then the cars were drawn alternately by

* Carter, *When Railroads Were New*, p. 33 *et seq.*

† W. H. Brown, *History of the First Locomotives in America*, pp. 108–122; Carter, *When Railroads Were New*, pp. 45–47. Bishop (*History of Manufactures*, vol. ii., p. 330) says that in 1828 the first trip of a locomotive upon a railroad in America was made. In the articles, *The Locomotive*, by Colvin and the *Locomotive and Engine Industry* by Alba B. Johnson, of the Baldwin Locomotive Works, in the *Encyclopedia Americana*, the year is given as 1829. Colvin says that in 1828 Horatio Allen went to England for the Delaware and Hudson Canal Company and bought four locomotives, three from Foster, Rostrick and Company and one from Stephenson. The latter, called the "America" arrived first in January of 1829, but though it was the first to arrive it was not the first to run, and for that reason the "Stourbridge Lion" is generally considered as the first engine in the country. Bishop says the experiment was made on the Carbondale and Honesdale Railroad, extending from the western terminus of the Lackawaxen Canal to the Lackawanna River, and connecting the canals of the Delaware and Hudson Company with their coal mines in Luzerne County, Pa. Allen made the trip alone, crossing the Lackawaxen on a trestle work 30 feet high and returning in safety. The engine, however, was found to be too heavy for the road. Bishop says the first American patent for a locomotive engine was taken out in 1828 by W. Howard, of Baltimore. Johnson says the first distinctively American locomotive was the "Best Friend," which was made to order by the West Point Foundry for the South Carolina Railroad. Bishop (p. 346) says this was called the "Phœnix." See also Sparks, *Expansion of the American People*, pp. 275–276; Carter, *When Railroads Were New*, p. 19 *et seq.*

* Built at the West Point Foundry, New York. Bishop, *History of Manufactures*, vol. ii., p. 346.

† Coman, *Industrial History of the United States*, p. 235.

horses and by locomotive. In 1831 another engine named the "Robert Fulton" was received from England, tested, found satisfactory, and placed on the road for daily runs.

Meanwhile, in 1828, in New Jersey a charter was granted to a company for the construction of a railroad from Camden to Amboy. In Virginia a route was surveyed for a railroad from the coal pits of Chesterfield County to the banks of the James River opposite Richmond, and in 1828 the Chesterfield Railroad Company was incorporated. In South Carolina was begun what Brown calls "the first road in the world built expressly for locomotives and also the pioneer in having the first locomotive for actual service in America built for their use; also the first to order a locomotive built in their midst and by one of their own native mechanics and citizens."* In 1821 an article appeared in a South Carolina newspaper signed "H" suggesting the construction of a patent railroad from Charleston to Augusta and Columbia to be operated by steam. The article describes the railway track and then suggests that the construction of such a road would be a paying proposition, since there was "sufficient transportation to make the work valuable." Jervey claims the authorship of this article for Robert Y. Hayne.† Though a bill was introduced in the North Carolina legislature late in December of 1821, providing for the survey of a route for a canal, nothing was done for six years, when a charter was granted to the South Carolina Railroad and construction work was begun.* At first the chief motive power was the horse, and a prize of $500 was offered for the best locomotive moved by horse power. Sails also were tested as a motive power. Shortly afterward an offer was made to build a steam locomotive to drag three times its weight at the rate of ten miles an hour. The company accepted the offer and the "Best Friend" was soon on the road drawing passenger and freight trains. In 1831 a second locomotive, the "West Point", was placed on the tracks.

While people were putting forth every effort to secure internal improvements at public expense, efforts were being made to induce the Federal Government to do its share toward opening cheap communication with the Far West. In speaking of the advantages to be derived by easier intercourse between the East and West by means of good roads and canals, Monroe, in his annual message of December 2, 1817, expressed the opinion that Congress had no power to appropriate money for such purposes but suggested the passage of an amendment to the constitution which would give Congress that right.†

* Brown, *History of the First Locomotives in America*, p. 151.

† Jervey, *Robert Y. Hayne and His Times*, pp. 120–124.

* *Ibid*, pp. 216–218.

† Richardson, *Messages and Papers*, vol. ii., p. 18; *Annals of Congress*, 15th Congress, 1st session, pp. 17–18; Benton, *Abridgment*, vol. vi., p. 6.

An amendment was therefore proposed in the Senate on December 9 by Barbour, of Virginia,* and in the House a few days later and before a fortnight had passed, a report was made in which Monroe's petitions were answered.† Two resolutions were also adopted, the first of which asked the Secretary of War for a plan of constructing roads and canals for military purposes in time of war. The other requested a similar report from the Secretary of the Treasury on roads and canals for purposes other than military.‡ On January 7, 1819, Calhoun submitted a report on roads and canals,‖ but two years passed before the subject of a National system of internal improvements was again brought before the House. By that time the Erie Canal was well under way and the people began to demand State aid in constructing roads and canals. The House again took up the matter and a bill was presented recommending that a line of canals be constructed from Boston to Savannah, a highway from Washington to New Orleans, a canal around the falls of the Ohio at Louisville, another to connect Lake Erie with the Ohio, a third from the Potomac at Washington to the Potomac at Cumberland, and a good means of communication between the Susquehanna and the Seneca and Genesee Rivers, and between the Tennessee and Savannah and the Tombigbee and the Alabama.* But it would have been idle to have passed such a bill, for the President on May 4, 1822, had vetoed a bill of a far less radical nature, at the time expressing his views at length on the subject of internal improvements.† All that could be obtained was an act (approved April 30, 1824) appropriating money for surveys, plans, and estimates for whatever roads and canals the President might deem important from a commercial and military point of view or necessary to transmit public mails. On March 3, 1825, in the last hours of Monroe's administration, another bill was passed extending the Cumberland road from Canton to Zanesville, and providing for a survey for a further extension to the capital of Missouri.‡

While the West was being populated and the people were pushing the work of internal improvements, other social movements, of quite as much consequence to the people as a whole, were taking place in the East.‖ While the

* *Annals*, pp. 21–24.

† *House Doc.* 11, vol. ii., 15th Congress, 1st session.

‡ *Annals*, pp. 1649–1650, 1678–1679.

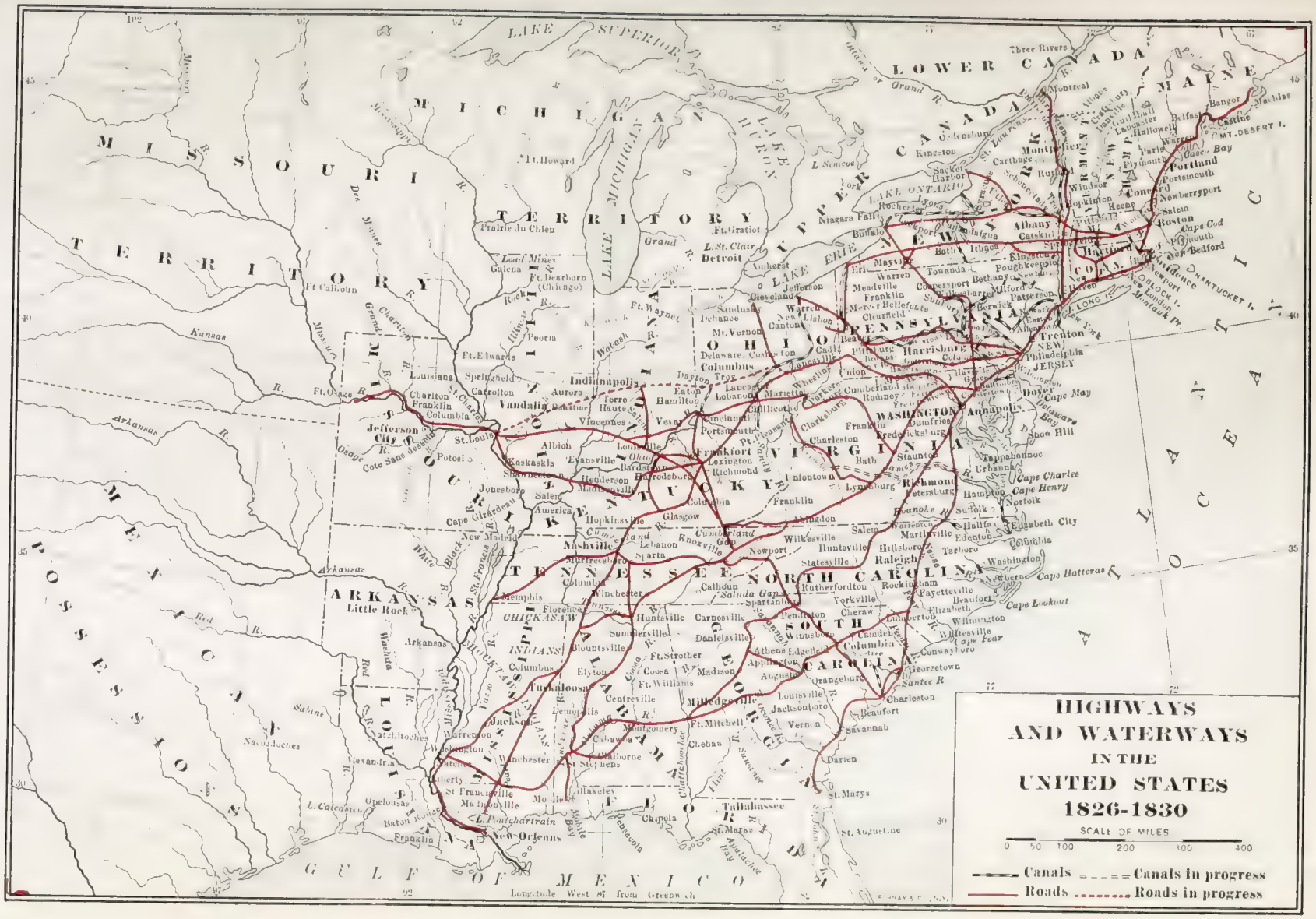
‖ For text see *Annals*, 15th Congress, 2d session, pp. 2443–2454.

* For the debates see *Annals of Congress*, 16th Congress, 2d session (Senate), pp. 144–146, 152–156, 179–180, 183, 189; (House), p. 451.

† Richardson, *Messages and Papers*, vol. ii., pp. 144–183; *Annals of Congress*, 17th Congress, 1st session, pp. 1809–1863. See also Adams, *Lives of Madison and Monroe*, pp. 353–424; Nelson, *Presidential Influence on Internal Improvements*, in *Iowa Journal of History and Politics*, vol. iv., pp. 29–30.

‡ McMaster, vol. v., p. 150. See also Young, *The Cumberland Road*, chap. vii.; Hulbert, *Historic Highways*, vol. x.

‖ To Professor McMaster's great work on the *History of the People of the United States* (vol.


HIGHWAYS
AND WATERWAYS
IN THE
UNITED STATES
1826-1830
SCALE OF MILES
0 50 100 200 300 400
Canals
Canals in progress
Roads
Roads in progress
LOWER CANADA
UPPER CANADA
MAINE
NEW HAMPSHIRE
VERMONT
NEW YORK
PENNSYLVANIA
NEW JERSEY
DELAWARE
MARYLAND
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
FLORIDA
ALABAMA
MISSISSIPPI
LOUISIANA
ARKANSAS
MISSOURI
TENNESSEE
KENTUCKY
OHIO
INDIANA
ILLINOIS
MICHIGAN
TERRITORY
LAKE SUPERIOR
LAKE MICHIGAN
LAKE HURON
LAKE ERIE
LAKE ONTARIO
ATLANTIC OCEAN
GULF OF MEXICO
MEXICO
Longitude West 87 from Greenwich

population in the seaport States and cities had grown slowly, the pauper and petty criminal classes had increased with alarming rapidity; but not before 1816, when hard times produced widespread distress, did the people begin to seek the causes. To intemperance and an ill-regulated and ill-advised charity was attributed much of the poverty and crime, and immediately an attack was begun on each. The Philadelphia Committee of Superintendence reported that a radical change in the methods of relieving distress by charity was imperative. The benevolent associations had tended to create a dependent pauper class within the city by inducing every vagabond in the neighboring counties of the State to come into and live on the city. The committee recommended that the system of granting relief be improved, that orphans be more judiciously cared for, that indigent children be educated at the country's expense, that the law against dram shops and tippling houses be rigidly enforced, and that the use of liquor be discouraged. As a result of this report the Pennsylvania Society for the Promotion of Public Economy was founded, which undertook to see that schools should be established throughout the State in such a manner "that the poor may be taught gratis." This society laid a plan before the legislature, which finally resulted in the act of March 3, 1818, by which the city and county of Philadelphia became the first school district of Pennsylvania and public schools were established.

Similar action was taken in New York where the destitution and want were far beyond the means of benevolent societies to relieve.* A committee, appointed at a public meeting, reached the conclusion that the chief cause for such conditions was the sale of rum. As early as 1809 it was stated that there were 1,800 licensed dram shops in the city in which money sufficient to supply the entire population of the city with bread was spent every year. In 1817 the Society for the Prevention of Pauperism in the City of New York was founded, and immediately set about the task of ascertaining the actual conditions and studying the methods by which they could be remedied. Drunkenness was said to be the chief cause of the poverty, while other contributing causes were the lotteries, pawn brokers, and the various charitable institutions existing in the city. In order to check these evils the society suggested that the grog shops be closed, that street begging be prohibited, that houses of industry be es-

iv., chap. xxxvii.) we are indebted almost entirely for the following information. In this connection see also Frederick H. Wines, *Punishment and Reform: An Historical Sketch of the Penitentiary System.*

* On May 1, 1815, a census of the humane and criminal institutions of the city was taken by the attending minister John Stanford, and revealed the following numbers in these institutions: orphan asylum, 101; Magdalen House, 3; city alms-house, 1,050; city hospital, 219; United States Military Hospital, 55; debtors' prison (committed yearly), 1,400; Bridewell, 131; State prison, 556. See *Niles' Register*, vol. viii., p. 451.

tablished, that the poor be encouraged to invest their money in savings banks, benefit societies, and life insurance, and that more churches and Sunday schools be established throughout the city. Through the perseverance of the manager of this society, a Saving Fuel Fund Society was founded; a savings bank (the first in New York and the third in the United States) was established; and the city enacted new resolutions for pawn brokers and lottery offices.

Public interest in the moral reformation was kept alive by the fact that the times grew worse instead of better, and every succeeding winter the wealthy classes were called upon more and more to relieve destitution. One of the first indications of a kindlier spirit was the enactment of laws to lighten the burden of the debtor class, particularly the laws relating to imprisonment. For many years it had been possible to thrust into jail a debtor of either sex for the nonpayment of debts.* In Pennsylvania there was an old law by which magistrates were allowed cognizance without appeal of debts under 40 shillings or $5.30, above which amount the debtor was entitled by law to a stay of execution. All who owed smaller amounts, if unable to pay, were dragged to prison where, though their crime consisted merely in inability to pay a trifling debt, they were thrust in with all manner of criminals — murderers, thieves, forgers, and others of similar caste. Unlike these classes, however, they were not even maintained by the States, being compelled to secure food, clothes, bedding, etc., from friends or some humane society. By an act of April 4, 1792, this last condition was relieved, the law directing the inspector to provide fuel and blankets for such debtors as were too poor to procure them, and to allot 7 cents a day for food, which sum should be charged against the creditors. If any creditor should refuse to pay after ten days' notice, his debtor was to be discharged. This act continued in force until March 26, 1814, when a law called the "Bread Act" was passed, by the terms of which prisoners whose debts did not exceed $15 were to be discharged after having suffered imprisonment for 30

* In his message of June 4, 1818, to the New Hampshire legislature Governor William Plumer said: "Even in New Hampshire, in the early stages of our new government, the debtor was strictly confined within the walls of the prison. The laws at that time afforded him no relief; he was imprisoned for life, unless he paid the debt, or was liberated by the humanity of his creditor. A long period elapsed before a prison yard was established, in which the debtor, by giving bond, was permitted to breathe the common air without the limits of the prison house; or before indigent debtors were authorized, in any case, to make oath they were unable to pay their debts; even then an unfeeling creditor had authority to retain his debtor during life, by paying a small sum for his weekly support. To the honor of the State, this power of the creditor over his debtor, has been recently annulled, * * * [but] our laws still authorize the creditor, after taking the greatest part of the debtor's property, to deprive him of his liberty by confining him in prison, without affording the means of subsistence; and if poor and friendless, he will be unable to obtain the liberty of the prison yard." —*Niles' Register*, vol. xiv., pp. 290–291.

days. Those who were too destitute to procure food for themselves were allowed 20 cents, which the creditor was to pay every Monday morning; but should the creditor fail to pay it for three days, the debtor might apply for his release. In 1817 the New York legislature passed an act forbidding the imprisonment of debtors for sums less than $25. In 1818 and 1819 New Hampshire placed the limit at $13.33, and in 1819 Vermont at $15. Pennsyvania and Kentucky did not go quite so far, though the laws of each State were amended and women were exempt, the Pennsylvania law being passed on February 8, 1819, and that of Kentucky on February 4, 1820. Several of the new Western States, in framing their constitutions, provided that no citizen be imprisoned for debt unless he refused to surrender his estate.

Little had been done, however, to suppress pauperism or to diminish its great cause, intemperance. Conditions went from bad to worse; the almshouses and work-houses became still more crowded, and in the large cities the children of the destitute became so numerous as to threaten the peace of the community. Matters were finally brought to a climax in Philadelphia by the hard winter of 1820–21. The resources of the various charitable societies were taxed to the limit; contributions of charitable individuals did not seem to relieve the conditions, and at public meetings committees were appointed to systematize the relief work. Much relief was thus afforded to deserving destitutes, but little was done to care for the criminals and habitual paupers. A committee appointed at a public meeting reported on August 6, 1821, that, instead of punishing crimes when committed, the sources of crime should be destroyed. Among these sources were the tippling houses, where idleness, fraud, and vice were encouraged and men were tempted to waste their earnings; the oyster cellars, where liquor was sold without license and young boys were wont to congregate to drink, smoke, swear, etc.; the second-hand shops, the proprietors of which bought at a very low price and without question anything brought to them, and thus became the market for the purchase and sale of stolen articles. These "fences" gave a great incentive to pilfering and petty thefts. Another source of crime was the neglected education of the youth, for, instead of attending school, the boys were wont to infest the streets, halls, vacant lots, etc., where, to say the least, their morals could not be improved. As a remedy the committee suggested a stricter enforcement of the laws and the establishment of an asylum where the boys could learn the mechanical arts. The advice of the committee was approved by the meeting and a law drafted for submission to the next legislature. But this did not relieve the conditions of the prison which were fast becoming unbearable, house breaking, assaults on citizens, etc.,

being of almost daily and nightly occurrence. Committees were therefore appointed in each ward to arouse the people to take vigorous measures for suppressing these depredations, and, as the majority of this class of criminals was believed to be negroes, the members of the African Methodist Episcopal Church pledged themselves to aid the mayor in his efforts to suppress vice.

Probably the most barbarous criminal code and the vilest prisons in the country were in the District of Columbia, where on the Virginia side thirty crimes were punishable with death and on the Maryland side fourteen. The death penalty could be inflicted on a white man who broke into a storehouse, warehouse or tobacco house and stole to the value of five shillings, or who escaped from jail when confined under a charge of felony. It was mandatory that a slave who maliciously burned a house of any description should be hanged, and when dead, have his head cut off, his body quartered, and the fragments displayed in the most public places in the District. The jail was as bad as the code, for in its sixteen rooms (not one of which was more than 8 feet square) were confined at times 70 prisoners and often 80, guilty and innocent, old and young, alike.

It was believed also that the penitentiary systems of the various States should be reformed. Up to the time of the revision, sixteen kinds of crime were punishable by death in Pennsylvania, but in 1786, 1790, and 1794 the code had been changed so that only treason and murder were punishable with death. In Rhode Island forgers were still compelled to sit in a pillory, to have a piece of each ear cut off, to be branded with the letter "C," to be imprisoned for six years and fined. Perjurers were cropped, branded and pilloried for three hours. Bigamists were placed on the gallows with a rope around their necks, fined and imprisoned. Those convicted of arson were pilloried, cropped of both ears, and branded with the letter "B." Delaware still retained the pillory, the flogging-post, and sold her criminals for various terms of years. Louisiana had abolished the death penalty. New York followed Pennsylvania in abolishing crimes punishable with death, and on March 26, 1796, a law was passed by which a criminal could be put to death for two crimes only. Four years later Virginia revised her criminal code, to be followed by Massachusetts in 1804, Vermont in 1808, Maryland in 1811, New Hampshire in 1812, and Ohio in 1816.

By this time the rise of new industries and the expansion of the old had made a great change in the condition of the working classes. The increase of industries had multiplied the number of working men and women, and the growth of this class brought up questions of reform. The laborer's hours were long and he was not always paid with any regularity, but often at long intervals and frequently in bad

money. In many States he was still disfranchised and could be punished for conspiracy, under the common law of England, if he sought to better his condition or increase his pay by strikes, lockouts, or other united efforts. Nevertheless after 1825 various crafts began to form social unions in all the seaboard cities and manufacturing centres north of Baltimore. The women weavers and cotton operatives in New England led the way. They were followed by the machinists of Philadelphia and the ship carpenters and caulkers of New York. By 1828 the labor movement had assumed such proportions that an attempt was made to secure the passage by the New York legislature of a mechanics' lien law, a report being presented strongly favoring such a measure. The Philadelphia workingmen turned to politics to gain their ends and formed a labor party, but for a long time their efforts were barren of results.

About this time a body of reformers known as the Free Enquirers took up the cause of the working-man, the movement having its inception in 1825 at the little town of New Harmony, Indiana. The originator of the movement was Robert Owen, a native of Wales, who at an early age had become proprietor of some cotton mills in Scotland. Owen's mind seems to have been full of schemes, particularly the coöperative community system, for the social betterment of the laboring classes. This plan attracted the attention of an agent for the sale of a village built in the West by a religious sect. The founder of this sect was George Rapp, who in 1804 had emigrated from Germany with his son and a few friends and settled on a tract of land in Butler County, Pennsylvania, 25 miles north of Pittsburg. In 1805, 700 Rappites built the village of Harmony on this tract. All the property was put into a common fund and it was agreed that each should labor for the entire community. They cleared hundreds of acres of land, erected frame and brick dwellings, barns, and warehouses, laid out a vineyard, built grist, sawing, corn, oil, and hemp mills, a tannery, brewery, distillery, dye-house, potash, soap boilers, and candle works, etc. They erected also a large factory for the manufacture of broadcloth from the wool of merino sheep raised by them.* The site of the village proved to be ill-chosen and a new home was sought in the West. In 1814, therefore, they sold their lands and improvements for $100,000 and in 1815 migrated and built a second town of Harmony in the valley of the Wabash, 54 miles below Vincennes, Indiana.† Again the site of the town proved unsatisfactory and in 1824 the people became so disheartened that they offered a prize of $5,000 to anyone who should find a purchaser for their property. Owen was finally induced to buy the mills,

* Bishop, *History of Manufactures*, vol. ii., pp. 105, 142, 194.

† *Ibid.* See also Sparks, *Expansion of the American People*, pp. 382–384; *Niles' Register*, vol. ix., p. 152 and vol. xiii., pp. 20–21.

houses, and factories and 30,000 acres of land for $150,000.* In December of 1824 Owen came to the United States and prepared to found the first Owenite community. To advertise his views and his schemes, he secured the use of the chamber of the House of Representatives at Washington, and in February and March of 1825 delivered several addresses. He then went to New Harmony, where in April of 1825 he unfolded to the people of that village his plan for a coöperative community. In order to fit the people for coöperation he proposed that a Preliminary Society of New Harmony be formed, that a constitution be adopted to continue in force for three years, and that a preliminary committee be appointed to manage the affairs of the community. After seeing the Preliminary Society established Owen went back to Scotland and did not return to New Harmony until January of 1826. The conditions he found were amazing, for the entire community seems to have abandoned labor and to have devoted themselves to idleness and revelry. Accordingly the Preliminary Society was abolished and in its place was formed the New Harmony Community of Equality. Under Owen's management idleness and waste soon gave place to industry and thrift; idle talkers were no longer seen in the streets; all were busy at some chosen occupation and many men of marked ability were attracted to the Community. A new constitution was adopted and the daily pursuits divided into several departments — agriculture, manufacture, and mechanics; commerce; general economy; domestic economy; and literature, science and education. These reforms had been cheerfully accepted by the people, but when Owen attempted to enforce uniformity of dress the people rebelled. Owen did not swerve from his purpose and on July 4, 1826, made a "Declaration of Mental Independence" which inveighed against private ownership of property, denounced the prevailing religions as absurd and irrational and practically advocated the abolishment of the legal marriage ceremony. This proved too much, and he was roundly denounced from one end of the country to the other. Newspaper after newspaper attacked him and ultimately caused the ruin of the Community. Discord took the place of harmony and before six months had elapsed Owen began to sell property to individuals, shops began to open, fences were put up, and New Harmony became a village of the unregenerate sort. Discouraged by the wreck of his scheme, Owen soon left his followers to their fate and departed.*

* McMaster, vol. v., pp. 88–90. Bishop (*History of Manufactures*, vol. ii., p. 204) says $190,000. See also *The Interesting Note about Early New Harmony, George Rapp's Reform Society based on the New Testament, as he understood it, by J. Schneck and R. Owen* (1880).

* See Jones, *Life and Times and Labor of Robert Owen* (1890); Holyoke, *Life and Last Days of Robert Owen* (1871); J. H. Noyes, *History of American Socialism* (1870); W. L. Sargent, *Robert Owen and His Social Philosophy.*

Other communities of a similar nature sprang up on the frontier. The Yellow Spring Community was founded in Ohio, while others were started at Blue Springs and Forrestville, Indiana; at Pittsburg and Valley Forge, Pennsylvania; at Kendal near Canton, Ohio; at Coxsackie and Haverstraw, New York; and at Nashoba, Tennessee, the last of which was probably the most interesting.* This community was founded by Frances Wright, who, horrified at the system of slavery existing in the United States, attempted to apply Owen's social system to the slave system. She visited the Rappites, studied the Shaker system, lived at New Harmony with the Owenites, and in 1825 prepared to put her schemes into operation. She purchased a tract of 2,400 acres of land on the Wolf River, 13 miles from Memphis, and there planted the town of Nashoba. Money was freely expended in the enterprise, but Nashoba shared the fate of New Harmony, and in 1829 Miss Wright took her negroes to Hayti.† Miss Wright then joined Robert Dale Owen at New Harmony in editing the *Nashoba and New Harmony Gazette,* but in 1829 the *New Harmony Gazette* was moved to New York and issued as the *Free Enquirer.* It was to be a non-partisan and non-sectarian weekly newspaper, claiming to be interested in the working-men's efforts to better their lot.

Hardly had the paper been established in New York when the working-men were summoned to meet and organize in the defence of their rights. An "Association for the Protection of Industry and for the Promotion of National Education" was formed, and every member pledged himself to support no one at the polls who would not support the people's cause in the legislature. All classes of working people hastened to give the movement support, and in October of 1829 the *Working-man's Advocate* made its first appearance.* This paper advocated a system of education free to all, opposed banks in general and the Bank of the United States in particular, opposed imprisonment for debt, the ownership of land in large quantities by private individuals, and favored a lien law. These efforts aroused the working-men to support the labor ticket recently nominated. It was the custom to vote on three consecutive days. At the close of the first day it appeared likely that the labor ticket would be elected, and on the next two days the other parties made a strenuous effort to overturn the apparent majority against them. The "Friends of Good Order" rallied and but one candidate on the mechanic's ticket, Ebenezer Ford, was

* Sparks, *Expansion of the American People,* p. 391.

† McMaster, vol. v., pp. 96–98. See also the *Atlantic Monthly* (July, 1874).

* McMaster, vol. v., p. 100, gives this date, but Wright (*Industrial Evolution of the United States,* p. 236) says the paper appeared as early as 1825.

elected.* The community became alarmed at the great vote cast for Ford and an attempt was made to unseat him in the legislature, on the plea that he proposed to turn the State into an Owenite community, to abolish marriage, confiscate land, strike down religion, etc. The mechanics, however, disavowed all connection with Owen, with Fanny Wright and the Free Enquirers; denied that they were hostile to the civil, moral, and religious institutions of the country; and declared against agrarian laws.

The New York Typographical Society, too, denounced Owen's scheme, repudiated his educational plans and denied all sympathy with his purposes. On the other hand, however, the Paint ers' Society said that much that Owen charged was true, and that they were disposed to favor his educational scheme. At Philadelphia the workingmen denied that they were disciples of Miss Wright and disclaimed all adherence to her principles.†

The rise of the labor party in Philadelphia was followed by similar movements in New York, Albany, Troy, Schenectady and Buffalo, and by the establishment of labor journals in various parts of the country. In Philadelphia was established the *Democratic Mechanics' Free Press;* in New York, the *Daily Sentinel* and the *American;* in Buffalo, the *Workingmen's Bulletin;* and in Albany, the *Daily Freemen's Advocate,* and the *Farmers', Mechanics' and Workingmen's Champion.* Among other journals favorable to the labor cause and the reform movement were the *New York Telescope,* the *Rochester Spirit of the Age,* the *Spirit of the Age,* of Tuscaloosa, Alabama, the *Southern Free Press,* of Charleston, South Carolina, and the *Friend of Equal Rights,* of New York. At about the same time *Young America,* a journal devoted to labor, was started.*

Several strikes occurred, notably those of the stone-cutters and stoneworkers at Sing Sing, and the journeymen cabinet workers at Boston, and of the shipwrights and caulkers at the same place. The labor movement was denounced by merchants and ship-owners, who claimed that combinations to regulate the hours or the price of labor were pernicious in the extreme, and likely to drive trade from the city. They determined neither to employ journeymen who belonged to such combinations, nor to give work to master mechanics who employed such journeymen. In the end the strikes failed.

On February 16, 1831, a convention was held at Boston, consisting of farmers, mechanics, and other workingmen. Out of this came a delegate convention held at Boston on September 6, 1832. The delegates discussed land interests, taxation, and coöperative trading. Ten subjects were

* McMaster, vol. v., pp. 101–102.
† *Ibid*, pp. 102–104.

* Wright, *Industrial Evolution of the United States*, p. 237.

considered: the organization of a central committee for each State; the founding of lyceums or institutes; the reform of the militia system; the expediency of holding a National convention of working-men; the hours of labor; the effect of banking institutions and other monopolies on the condition of the laboring classes; the improvement of the system of education, including the recommendation of such legislative enactments in relation to the internal economics of factories as would give to the operatives a competent degree of instruction; the adoption of a National bankruptcy law, the extension of the right of suffrage; and lien laws. Other meetings were held at Boston at which the mechanics of all trades were urged to consult together for the purpose of reaching a mutual agreement upon the system of working hours. Various meetings were held in other parts of the country to discuss the relation of employers to employes, the question of whether the 10 hour system was a benefit, etc., and especially as to whether the laboring classes had the right to organize for the purpose of securing and protecting their interests.*

This agitation led the employers to consider the matter from their point of view. At a meeting in the Exchange Coffee Rooms, Boston, on May 15, 1832, the merchants and ship-owners resolved to "discountenance and check the unlawful combination formed to control the freedom of individuals as to the hours of labor and to thwart and embarrass those by whom they are employed and liberally paid." They also set forth "the pernicious and demoralizing tendency of these combinations, and the unreasonableness of the attempt, in particular where mechanics are held in so high estimation and their skill and labor so liberally rewarded." Claiming that labor organizations would drive trade from the city, it was further resolved that: "We will neither employ any journeyman who at the time belongs to such combinations, nor will we give work to any master mechanic who shall employ them while they continue thus pledged to each other and refuse to work the hours which it has been and is now customary for mechanics to work." The resolutions were signed by the representatives of 106 firms.*

The votes of the workers were now too important to be treated lightly by the three parties then struggling for control in the city and State. In the spring of 1830 the working-men united on a ticket in Albany and carried four wards out of five. They were equally successful in Troy, where it was boasted that not one Regency man had been elected. For this the Republicans ridiculed them as "Workeys"

* Wright, *Industrial Evolution of the United States*, pp. 237–238.

* Wright, *Industrial Evolution of the United States*, pp. 239–240.

as "Federalists," and as men bent on the destruction of society. In the autumn, in preparing for the election of State officials, the working-men held a convention at Salina and nominated Erastus Root and Nathaniel Pitcher as working-men's candidates for governor and lieutenant-governor, but neither accepted the nomination. In September a meeting was held in New York for all those who favored a republican system of education, who approved of abolishing imprisonment for debt, who believed in protecting industries, and were opposed to the Auction system, Regency dictation, and Tammany management. The ticket nominated at this convention was named the North American Clay Workingmen's ticket. Francis Granger, the Anti-Masonic candidate for governor was endorsed by this convention in return for which the Anti-Masons a short time afterward formally approved the municipal part of the North American Working-men's Clay ticket. From this union of what in derision was called "Clayism", "Anti-Masonry", and "Workeyism," the followers of Fanny Wright and those of Skidmore were excluded. The Wright followers (the Infidel Party, as others called them; the Liberal Working-men's Party, as they called themselves) nominated Ezekiel Williams for governor, and the Skidmore or Agrarian Working-men (the Poor Man's Party) nominated James Burke. At the election Burke received 115 votes, Williams 2,000, and the Working-men and Anti-Masons nearly 8,000.*

Probably the most remarkable of political parties that attained prominence in our country was the Anti-Masonic. This party gained its chief prominence because of the mysterious disappearance of William Morgan, a stone mason of Batavia, who professed to be a Royal Arch Mason. Because his name had been omitted from a petition for the establishment of a Masonic chapter at Batavia, Morgan was deeply offended and evidently determined to revenge himself on the whole fraternity. In the spring of 1826 it was reported that he had written a book revealing the secrets of Free Masonry, and that David C. Miller, editor of the *Batavia Republican Advocate* had agreed to publish it. The most respectable part of the community regarded the forthcoming book as a catch-penny scheme, but a few hotheads among the Masons determined that the book should never appear. Miller's office was set afire in an effort to destroy the manuscript, but failing in this, attempts were made to place Morgan where he could not carry out his design. He owed some small debts to various merchants, and suit was brought against him for pay-

* McMaster, vol. v., pp. 106–108.

ment; he was arrested and bail was either refused or disregarded; and finally, on August 11, he was taken to Canandaigua (50 miles away) on a charge of theft, was released but immediately re-arrested for debt. Friends satisfied his creditor, but hardly had Morgan stepped outside the door of the jail when he was seized and taken in a carriage to Rochester, thence along the Ridge road toward Lewiston, and then by way of Youngstown to Fort Niagara, in the stone magazine of which he is said to have been confined on the morning of September 17, 1826. There all trace of him disappears.

The excitement, increased by the belief that prominent Masons obstructed investigation, was fanned into flame by the appearance a few weeks later of the first part of Morgan's book, the other parts later being published under the title of *Illustrations of Free Masonry, by one of the Fraternity who has devoted Thirty Years to the Subject.* Along with a mass of dreary "ritual" for "working the degrees," of no moment, even if true, it included some passages which, if true, would have obligated a man to make them known at once on entering the fraternity: such as an oath requiring Masons to consider their duty to the brother Mason before their oaths in court, pronouncing vengeance on Masons who should reveal the secrets of the order, etc.

Meanwhile Miller, who had witnessed Morgan's arrest, protested vigorously against the outrage and for this it was determined to quiet him. A mob of 60 men procured an order for his arrest and dispatched a constable with a process to arrest him. He was placed in a wagon by his captors and taken to LeRoy, but there Miller succeeded in forcing his captors to bring him before the justice who had issued the warrant, and as no complainants appeared Miller was discharged. Thoroughly indignant, he published a long account of his treatment and of the abduction and probable murder of Morgan and appealed to the public to vindicate the majesty of the law. A series of public meetings was held at which a committee was appointed to gather information, and the governor later offered a reward of $300 for the discovery of the offenders. The only result when the November session of the court of general sessions convened was the finding of indictments against four men who were later tried, found guilty, and sentenced to various terms of imprisonment.

In the meantime the Niagara River and the shores of Lake Ontario were dredged without result, until one day in October of 1826 a corpse was discovered on the shore of the lake about 40 miles from Fort Niagara. The coroner held his inquest, but the body was not recognizable and was imme-

diately buried on the beach. Such an event would have aroused no attention in ordinary times, but hardly had the occurrence been published than it was suspected that the dead man was Morgan. The grave was then opened and revealed what seemed a strange resemblance to Morgan. A new jury was thereupon assembled by the coroner, consisting of Mrs. Morgan and a number of men who knew her husband, and a verdict was rendered that the body was that of Morgan. The account of these proceedings soon reached Canada and was read by the friends of Timothy Monro, who had been drowned shortly before in the Niagara River but had never been found. The description of the clothing and especially of a bundle of tracts in the pockets convinced these people that the body was that of Monro and not of Morgan. They persuaded the coroner to hold a third inquest and presented evidence, and when the third verdict was obtained, the unknown dead was declared to have been Timothy Monro.* Morgan's fate therefore was still as impenetrable a mystery as before.

Meanwhile Morgan's book on Masonry had been published and also a *Narrative of the facts and circumstances relating to the kidnapping and presumed murder of William Morgan.* It had also become popular to denounce Free Masonry, and many members began to secede from the fraternity. So great was the defection that a convention of seceding Masons was held at LeRoy in February of 1828 and another shortly afterward at which charges were formulated against the Masons. The effect of these charges was great, for the public gradually became convinced that they were true — that Masonry already exercised a wonderful influence over the press, that it controlled the courts of justice and was able to force its mandates at will. The Anti-Masons held a convention at Utica in August and, satisfied that they would receive no help from the friends of either Adams or Jackson to destroy Masonry, disregarded both parties and nominated candidates of their own: Francis Granger for governor and John Crary for lieutenant-governor; but Granger had already been nominated for lieutenant-governor by the Adams party and he therefore declined the Anti-Masonic nomination. At a second convention of the Anti-Masons at Le Roy, therefore, Solomon Southwick was chosen in his stead. At this time William H. Seward, Millard Fillmore, and Thurlow Weed came forward as Anti-Masonic candidates, and during the course of the election Weed is credited with the cynical statement (when questioned as to the authenticity of the body later identified as Monro's) that it was "a good enough Morgan till after elec-

* *Niles' Register*, vol. xxxiii., pp. 161–162.

tion." The Anti-Masonic ticket polled 33,345 votes out of 276,583. Later the movement spread until the Anti-Masonic party absorbed the National Republican party in the State and became the chief anti-Democratic organization. The whole New England belt, from Boston to Buffalo, teemed with Anti-Masonic newspapers, there being 32 in New York State alone, and for several years to come the new political party continued to complicate the political situation from New England to the Ohio.*

CHAPTER XXXIX.

1825–1829.

JACKSON'S TRIUMPH.

Indignation at Jackson's defeat in 1825 — Kremer's letter reaffirming the charges against Clay — Jackson's letter to Swartwout — Clay's denial of the charges — Jackson's acceptance of the nomination — Attacks on Adams — Randolph's remarks and the resulting duel with Clay — McDuffie's speech — The deaths of Jefferson and John Adams — The Carter Beverly letters and Buchanan's denial — Clay's address to the people — Endorsement of candidates — Election of Jackson.

When Jackson was defeated for the presidency in the House of Representatives in 1825 outbursts of indignation came from all parts of the country, and it was claimed that Adams had secured the election by fraud and corruption. It was said that it was not Jackson who had been defeated, but that the sovereign will of the people had been set at defiance.* The first magistrate had been chosen against the known, express and solemn choice of at least 17 of the 24 States, and, worse than all, by the votes of six States given by their representatives directly against the instructions of their constituents. In a letter to the electors of his district, dated February 25, 1825, Kremer said:

"Recurring to the specific charges in my letter have I not redeemed my pledges and made them good? I stated that 'Henry Clay had transferred his interests to John Quincy Adams.' Has not time disclosed the reality? Can any human being acquainted with the circumstances doubt

* Sumner, *Life of Jackson*, p. 96 *et seq.*

* For a history of the Morgan affair see Greene, *The Broken Seal or The Morgan Abduction and Murder* (1870); Morris, *History of the Morgan Affair* (1852); O'Reilly, *American Political Anti-Masonry; A Narrative of the Facts relating to the Kidnapping and Presumed Murder of William Morgan and of the Attempt to Carry Off David C. Miller, and to Burn or Destroy the Printing Office of the latter. * * * Prepared under the Direction of the Citizens of Genesee, New York. To which is added the Late Trials at Canandaigua* (1827); John Riggs Crandall, *The Morgan Episode. From the Original Manuscript Published by the Committee on Antiquities of the Grand Lodge of the F. & A. M. of the State of New York* (1907); William Morgan, *Illustrations of Masonry, by One of the Fraternity who has Devoted Thirty Years to the Subject* (2d ed., with an account of the kidnapping of the author); Robert Morris, *William Morgan, or Political Anti-Masonry, its Use, Growth and Decadence* (1883); the report of the special counsel on January 26, 1830, in *Niles' Register*, vol. xxxviii., pp. 89–93. For political results see Hammond, *Political History of New York;* Hopkins, *Political Parties* (1900); McCarthy, *Anti-Masonic Party*, in *Annual Report of the American Historical Association* for 1902, vol. i.

that it was by the agency of Mr. Clay, and by that alone, that the members of five western states were induced, contrary to the wishes of their constituents, to vote for Mr. Adams? There is no part of the Union where the people maintain the right to instruct their representatives, even in matters of legislation, with more jealous inflexibility than in the western states. * * * Can it be believed, then, that some twenty or thirty of the representatives of such a people would have thought for one moment of voting for Mr. Adams, who was known to be odious to them, and against Jackson, who was known to be their decided choice, if it had not been for the influence of Henry Clay? The thing is incredible. No, fellow-citizens: Mr. Clay has to answer for the double sin of defeating the will of his constituents and of sacrificing his friends at the shrine of his own unchastened ambition. * * *

"I also stated 'that, as a consideration for this abandonment of duty to his constituents, it was said and believed, should this unholy coalition prevail, Mr. Clay was to be appointed secretary of state.' This, time has verified, to the very letter. He has been offered the appointment of secretary of state, and has agreed to accept it. It would, therefore, now be regarded as affected squeamishness in me were I to say, 'it is believed' that the appointment of secretary of state is the consideration given for the support rendered by Mr. Clay to Mr. Adams. I entertain no doubt upon the subject." *

The address appealed to the voters not to sanction Clay's denunciation of General Jackson as a military chieftain. This epithet had greatly offended Jackson, and on February 22, 1825, he wrote a letter to Samuel Swartwout concerning it.† He said that while he had borne his share in the country's wars, had protected the frontier from savages, had endured privations and made sacrifices for the honor, glory and safety of the country — still he was not a military chieftain in the sense Clay applied that term to him. He had never sought the office of President nor had he entered into any cabals to persuade anyone to violate pledges given or instructions received, nor had he formulated any plan to impair the principles of our republican institutions or to defeat the people's will.* Kremer's address and Jackson's letter were made public simultaneously and (Clay believed) for the purpose of influencing the Senate against confirming his nomination as Secretary of State. As the Senate had acted favorably, Clay on March 26, 1825, issued a long address to his constituents in which he said:

"I entered into no cabals; I held no secret conclaves; I enticed no man to violate pledges given or instructions received; and how I prostrated the will of the people I am entirely at loss to comprehend. The illusions of the General's imagination deceive him. The people of the United States never decided the election in his favor. If the people had willed his election he would have been elected. It was because they did not will his election nor that of any other candidate that the duty of making a choice devolved on the House of Representatives." †

Nevertheless, Jackson believed he was entitled to the election and thenceforth seized every opportunity publicly to express his opinion.‡ After the election he went home to Tennessee and was everywhere received with

* *Niles' Register*, vol. xxviii., pp. 21–25. See also his letters in Parton, *Life of Jackson*, vol. iii., p. 72 *et seq.*

† Parton, *Life of Jackson*, vol. iii., pp. 75–78.

* *Niles' Register*, vol. xxviii., pp. 20–21; Brady, *The True Andrew Jackson*, p. 290 *et seq.*

† *Niles' Register*, vol. xxviii., pp. 71–78. See also Quincy, *Memoir of John Quincy Adams*, pp. 143–144; Colton's ed. of Clay's *Works*, vol. iv., p. 109.

‡ Parton, *Life of Jackson*, vol. iii., p. 107 *et seq.*

demonstrations of delight.* He declared that he had never of his volition been a candidate for the Presidency, but had been nominated by the legislature of Tennessee; that the Government belonged to the people; that it must be kept pure; and that the Presidency was sullied when it was attained otherwise than through the people's will.† Clay, too, had journeyed southward and was received with public demonstrations and assurances of approval.‡

When the Tennessee legislature met in October of 1825, that body renominated Jackson for the Presidency and invited him to address the two Houses. Having made the address, Jackson resigned his seat in the Senate chiefly because a proposition to amend the Constitution was then pending before Congress to change the manner of electing the President.|| Therefore, as he was a candidate, he could not return to the Senate and advocate an amendment from which it was supposed he would derive much advantage. He heartily approved the proposed amendment as far as it went, but thought it should go farther. He would not only leave the choice of Presidential electors with the people, but would make members of Congress ineligible to any governmental office during the term for which they had been elected and for two years after, save only in cases of judicial appointments.* This was evidently a shaft at Clay,† who was appointed Secretary of State immediately upon Adams's accession.

The active campaign was opened by starting a newspaper in Washington,‡ and organizing committees throughout the country. All who for any reason disliked Adams or Clay were invited to join the "friends of General Jackson."|| Immediately upon the announcement of Jackson's candidacy his followers began to scrutinize every act of the President or his advisers for campaign purposes. Thus when Adams dwelt at great length on the importance of internal improvements and stated the course they should take, it was demanded that a committee be appointed to frame such an amendment to the Constitution as would define the powers of Congress over internal improvements, and so restrict them as to protect the rights and sovereignty of the States. Again, when Adams, at the time of the Panama Congress, stated that he intended to appoint ministers, a resolution was in-

* Parton, *Life of Jackson*, vol. iii., p. 80.

† McMaster, vol. v., pp. 495–496; Schurz, *Life of Clay*, vol. i., p. 255.

‡ Schurz, *Life of Clay*, vol. i., p. 262.

|| *Niles' Register*, vol. xxix., pp. 155–156; Schouler, *United States*, vol. iii., p. 413; Parton, *Life of Jackson*, vol. iii., p. 94 *et seq.*

* *Niles' Register*, vol. xxix., pp. 156–157; Parton, *Life of Jackson*, vol. iii., p. 95; MacDonald, *Jacksonian Democracy*, p. 55.

† Schurz, *Life of Clay*, vol. i., pp. 263–264.

‡ The *United States Telegraph*, edited by Duff Green, of Missouri. See MacDonald, *Jacksonian Democracy*, p. 37.

|| Sumner, *Life of Jackson*, pp. 103–104. For the details of Jackson's political organization, see Buell, *History of Andrew Jackson*, vol. ii., p. 181 *et seq.*

troduced in the Senate stating that the President had no authority to appoint ministers until he had consulted the Senate and that such action was an usurpation of power. In making this motion Senator John Branch, of North Carolina, on March 30, 1826, said that this usurpation of power was sufficient to alarm the friends of liberty, but when connected with

"The covert and insidious innovations which gave existence to and characterizes the conduct of the present Chief Magistrate, every friend of the country should be at his post. * * * I will not say that he came into office in violation of the letter of the Constitution. * * * He came into office in objection to three-fourths of the American people, in opposition to seventeen or eighteen States out of the twenty-four. He came in by the prostration of our dearest principles: He came in by a total disregard of the right of instruction, the basis of a republic. He came in, sir, in opposition, not only to the sovereign will of the people, but he overcame the most formidable of all difficulties: He came in in opposition to the will of the representatives too. * * * And what, Mr. President, is the policy of the present Administration? The original debt of gratitude is to be paid at all hazards; the one-fourth is to become the majority, if the creation of offices and the patronage of the government can effect it. Yes sir, the first appointment made by the present President is conclusive on this point, and his subsequent course is in entire accordance." *

In speaking on this resolution the same day, John Randolph said:

"This is the first Administration that has openly run the principle of patronage against that of patriotism — that has unblushingly avowed, aye, and executed its purpose of buying us up with our own money. Sir, there is honor among thieves — shall it be wanting then among the chief captains of our Administration? I hope not, sir. Let Judas have his thirty pieces of silver, whatever disposition he may choose to make of them hereafter, whether they shall go to buy a Potter's-field in which to inter this miserable Constitution of ours, crucified by the two gentlemen, suffering for 'conscience sake' under the burthen of the two first officers of this Government, * * * or whether he shall do that justice to himself which the finisher of the law is not as yet permitted to do for him, is quite immaterial."

A little later in this speech he stated that he had been "defeated horse, foot and dragoons — cut up and clean broke down by the coalition of Blifil and Black George — by the combination unheard of till then of the Puritan with the black leg."* Deeming himself insulted by this language, Clay challenged Randolph to arms. They met on April 8 on the Virginia side of the Potomac, vainly exchanged shots, shook hands and renewed their former friendly relations.†

On March 31, 1826, George McDuffie rose to speak on the resolution regarding the change in the manner of electing the President, saying in his speech:

"I assert it as a fact that the present Chief Magistrate was elevated to the Presidency against the known and undoubted will of a clear constitutional majority of the people of this Union. If the present Secretary of State had not persevered against all hope and thereby distracted the vote of the Western States, General Jackson would certainly have received the electoral vote of Kentucky, Ohio and Missouri, which, added to those he actually received,

* *Register of Debates*, vol. ii., pt. i., pp. 386, 388. See also Sumner, *Life of Jackson*, pp. 107–108.

* Garland, *Life of Randolph*, vol. ii., p. 249 *et seq.; Register of Dates*, vol. ii., pt. i., p. 389 *et seq.*

† See Howe, *Historical Collections of Virginia*, pp. 225–226; Rogers, *The True Henry Clay*, pp. 106–123; Garland, *Life of Randolph*, vol. ii., p. 339; Sargent, *Life of Clay*, pp. 119–120; Schurz, *Life of Clay*, vol. i., pp. 273–275; Clay, *Life of Clay*, pp. 153–157; Schouler, *United States*, vol. iii., pp. 368–369; *Niles' Register*, vol. xxx., pp. 115–116.

would have swelled his number to one hundred and thirty-two — one more than a majority of the whole. * * * In the first place, then, I say, in round terms, that Mr. Clay made the President, in opposition to the will of a decided majority of the people of the State he represented and of whole Union. * * * He represented a State where an overwhelming majority of the people were in favor of General Jackson and opposed to Mr. Adams, and where the obligation of the Representative to conform to the will of his constituents is regarded as a fundamental article of the true political creed. * * * Yet, in direct opposition to the will of his constituents, of his fate, and of the United States, * * * he threw the whole weight of his influence in favor of a candidate whom he had habitually professed to despise as a man and detest as a politician, and the only one of his competitors whom he had denounced as unworthy of the high trust to which he aspired. It is but too obvious, then, that Mr. Clay sacrificed his political animosities and his political principles, his duty to himself and his duty to his country, at the unhallowed shrine of ambition. * * * Am I asked for proof? * * * Hear it! He gives the vote of his own State in opposition to his own principles, against the will of the people of that State, and thereby makes the President; and then has the frontless, shameless audacity to set public opinion at defiance by instantly and openly receiving, as the reward of his treachery to the people, and to his own principles the highest office that President can confer upon him!" *

This cry of bargain and corruption having been fabricated by Kremer, sanctioned by Jackson, and affirmed in the halls of Congress was now indorsed by political meetings. At a meeting of Jackson's friends at Philadelphia in the early summer the Administration was condemned and the election of Jackson declared essential to the welfare of the country, but the people were too busy with their own affairs to pay much attention to the doings of the politicians, and seemed to accept the result of the election without question and without suspicion.* The toasts which were drunk on Independence Day of 1826 showed no widespread animosity toward Adams and Clay. This Independence Day was a memorable one in the history of the country, for it was not only the fiftieth anniversary of the adoption of the Declaration of Independence, but also the day on which, within a few hours of each other, Thomas Jefferson and John Adams passed into the great unknown. The one had written the Declaration and the other had been largely instrumental in securing its approval. Each had been a member of the committee which drafted that instrument and each had signed it when approved, each had served his country on a foreign mission, each had served his country both in the Vice-Presidency and in the Presidency, each had become the leader of a party, and both had passed away together. It was truly a singular coincidence. Still more remarkable was it that the day of their death should have been the fiftieth anniversary of the proceedings in which each had borne so conspicuous a part.†

* *Register of Debates*, vol. ii., pt. ii., pp. 1956–1958. In this connection see also Ingham's letter to the Pennsylvanians, in *Niles' Register*, vol. xxviii., pp. 134–138.

* Sumner, *Life of Jackson*, pp. 105–106; Parton, *Life of Jackson*, vol. iii., p. 98.

† C. F. Adams, *Life and Works of John Adams*, vol. i., p. 520 *et seq.*; Schouler, *United States*, vol. iii. p. 389 *et seq. Niles' Register* (vol. xxx., p. 329 *et seq.*), contains the proceedings connected with the obsequies.

Early in 1826, new charges were made against the Administration. One was that Adams had expended $25,000 in furnishing the east room of the White House, whereas the fact was that the room was practically bare; but the charge was good campaign material, as Adams' subsequent denial had little effect.* In an inventory of the furniture in the President's house purchased with the public money, there were two items which gave rise to a charge against the administration. There was a billiard table, with balls valued at $56, and a set of chessmen valued at $23.50. It was said that the President's conduct in furnishing his residence with gambling accessories was enough to shock and alarm the religious, the moral and the respectable part of the community.† Though Adams informed the committee which made the inventory that no public money had ever been applied to the purchase of this paraphernalia, the charge went out to the public without the accompanying denial and was twisted and distorted for campaign purposes.

Meanwhile Jackson was reiterating the charge of bargain and corruption,‡ and finally persuaded himself into believing that overtures of a corrupt nature had been made to him by Clay. On March 8, 1827, Carter Beverley wrote a letter, which found its way into the columns of the *Fayetteville Observer,* in which he stated that Jackson had said:

> "Mr. Clay's friends made a proposition to his [Jackson's] friends that if they would promise for him not to put Mr. Adams into the seat of Secretary of State, Mr. Clay and his friends would in one hour, make him [Jackson] the president." *

Clay declared this a gross fabrication and said that he could not believe that General Jackson had ever made such a statement.† Duff Green then declared that Jackson had made the same statement to him two years before. As the charge was now directly up to him, Jackson replied in detail in a letter to Carter Beverley, on June 5, 1827. He said:

> "Early in January, 1825, a member of Congress, of high respectability, visited me one morning and observed that he had a communication he was desirous to make to me; that * * * he had been informed by the friends of Mr. Clay that the friends of Mr. Adams had made overtures to them, saying that if Mr. Clay and his friends would unite in aid of Mr. Adams' election, Mr. Clay should be Secretary of State; * * * that the friends of Mr. Clay stated the West did not wish to separate from the East and, if I would say, or permit any of my confidential friends to say, that in case I were elected President, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends they would put an end to the presidential contest in an hour."

Jackson then went on to say that this bargain had been indignantly scorned, and that, the second day after, Clay had come out openly in favor of

* Sumner (*Life of Jackson*, p. 114) says that only $6,000 of the appropriation was expended and the rest was returned to the Treasury.

† *Register of Debates*, vol. ii., pt. ii., pp. 2655–2656.

‡ Brady, *The True Andrew Jackson*, p. 294.

* *Niles' Register*, vol. xxxii., p. 162; Parton, *Life of Jackson*, vol. iii., p. 111.

† Quincy, *Memoir of John Quincy Adams*, pp. 160–161.

Adams.* On June 29, learning the contents of this letter, Clay issued a letter to the public unqualifiedly denying such a compact,† and at a dinner at Lexington, on July 12, called upon Jackson to name this "member of Congress of high respectability."‡ Jackson promptly accepted the challenge, and on July 18, 1827, in a letter to the public declared that the Congressman was James Buchanan, of Pennsylvania.|| But on August 8 Buchanan flatly denied this.§

This lively dispute was still being discussed by the public when the Tennessee legislature added fuel to the fire by affirming the charge of bargain and corruption and passing a resolution that the President ought to be impeached.¶ An effort was then made to instruct the representatives of the State in Congress to prefer charges against the President, but wiser counsels prevailed and the resolution was voted down by a large majority.**

The charge of corruption and bargaining grew stronger as the time for the election approached. In desperation, Clay determined to quiet his accusers forever and to furnish to his defenders incontrovertible proof of his innocence. He gathered a great mass of testimony from the members of Congress who had voted for Adams in 1825, refuted the various charges, stated his relations with Jackson for the past few years, and in December of 1827 issued the whole in the form of an address to the people.*

In 1828 the New York State Senate followed the example of Tennessee in attacking the Administration. On January 7 resolutions were adopted stating that the Constitution needed amending with regard to the manner of choosing the chief magistrate, and stating further that, as the election of Adams by the House of Representatives had clearly been in defiance of the expressed will of the people, the Constitution should be so amended as to place the choice of President and Vice-President with the people themselves. They recommended also that the President should not be reëligible.†

The nomination of electoral tickets now went forward rapidly. At Portland, Maine, a convention endorsed Adams, nominated him for President and Rush for Vice-President. The Massachusetts House of Representatives endorsed Adams, as did the Vermont House of Representatives.

* *Niles' Register*, vol. xxxii., pp. 316–317, 414; Parton, *Life of Jackson*, vol. iii., p. 112. See also Schurz, *Life of Clay*, vol. i., pp. 282–283.

† *Niles' Register*, vol. xxxii., p. 350.

‡ *Ibid*, pp. 375–380.

|| *Ibid*, vol. xxxii., pp. 399–400, 415; Parton, vol. iii., p. 113.

§ *Niles' Register*, vol. xxxii., pp. 415–416; Parton, vol. iii., pp. 114–115. See also Quincy, *Memoir of John Quincy Adams*, pp. 161–163; Morse, *John Quincy Adams*, pp. 186–189; Sargent, *Life of Clay*, pp. 113–115; Peck, *The Jacksonian Epoch*, pp. 115–117.

¶ Morse, *John Quincy Adams*, pp. 183–184.

** McMaster, vol. v., pp. 508–509.

* *Niles' Register*, vol. xxxiii., pp. 296–315, vol. xxxiv., pp. 272–273, 306–312.

† *Ibid*, pp. 351–352.

Those members of the New York legislature who were opposed to Adams declared that Andrew Jackson should be elected, and later in the year the friends of the Administration nominated Adams and Rush. The Administration's friends in Pennsylvania endorsed Adams and Rush,* while the opposition supported Jackson, and so on through the list of the States. Never before had there been such a mass of campaign literature appealing for the franchises of the voters. The public and private records were ransacked, the careers of both candidates were scrutinized for questionable acts, and nothing of any importance was suffered to pass unquestioned. The old charges against Jackson connected with the execution of Arbuthnot and Ambrister were revived.† He was charged with usurping the powers of Congress and making war on Spain when he invaded Florida; with defying and disobeying orders of the executive when he captured St. Marks and Pensacola; with placing the military against the civil power at New Orleans; with profanity; with hostility to the American system, etc.* On the other hand, Adams was denounced as a monarchist and an aristocrat; with having refused to pay a subscription to turnpike stock on a legal quibble; with extravagance in the expenditure of public money; with using Federal patronage to influence elections; with corrupting the Civil Service; with holding views inimical to the West; with writing a scurrilous poem against Jefferson in 1802; with having received immense amounts of public money; with having sent out men in the pay of the government to electioneer for him; with having patronized duellists (Clay); with having surrendered a young American servant-woman to the Russian Emperor for immoral purposes; with opposing a protective tariff, etc.†

The election resulted as was to be expected. South of the Potomac and west of Pennsylvania not a single Adams elector was chosen. Of the popular vote, Jackson secured 648,273, while Adams secured but 508,064.‡ It was indeed a great uprising of the

* Niles, vol. xxxiii., pp. 332–334.

† A Boston newspaper stated that Jackson had committed twelve murders — Dickinson (in a duel), Arbuthnot, Ambrister, two Indian chiefs and seven of his own soldiers — all in cold blood, and in the most cowardly fashion. The Democrats copied this paragraph but added: "Pshaw! Why don't you tell the whole truth? On the 8th of January, 1815, he murdered in the coldest kind of cold blood above fifteen hundred British soldiers for merely trying to get into New Orleans in search of Booty and Beauty!" See Buell, *History of Andrew Jackson*, vol. ii., p. 105; Schouler, *United States*, vol. iii., p. 439.

* Parton, *Life of Jackson*, vol. iii., p. 141.

† Sumner, *Life of Jackson*, pp. 115–116; Quincy, *Memoir of John Quincy Adams*, pp. 170–174; Thompson, *History of Protective Tariff Laws*, chaps. xx.–xxi.; Schurz, *Life of Clay*, vol. i., pp. 287–288; Schouler, *United States*, vol. iii., pp. 438–439.

‡ These figures are given by Sumner, *Life of Jackson*, p. 117. McMaster (vol. v., p. 518) gives the same for Adams, but 647,276 for Jackson, as does MacDonald (*Jacksonian Democracy*, p. 41). The *World Almanac* for 1912 (p. 218) gives the vote as 647,231 for Jackson and 509,097 for Adams.

people, a triumph of democracy, and, to the greater portion of the people, was the downfall of a corrupt and aristocratic administration. Early the next year the electoral vote was counted and showed 178 for Jackson and 83 for Adams.* Jackson therefore became the seventh President of the United States. John C. Calhoun received only 171 votes for Vice-President, seven of the Georgia votes being given to William Smith, of South Carolina, with Richard Rush, of Pennsylvania, receiving the remaining 83 votes.*

* Buell, *History of Andrew Jackson*, vol. ii., p. 199; Parton, *Life of Jackson*, vol. iii., pp. 150–151.

* Stanwood, *Presidential Elections*, p. 101; Schouler, *United States*, vol. iii., p. 539.

PART THREE.

The Jacksonian Democracy and the Rise of the New West.

The Period of Sectional Divergence, 1829-1849.

THE UNITED STATES

CHAPTER I.

1829–1830.

OPENING MEASURES OF JACKSON'S ADMINISTRATION.

The Rise of the Spoils System — Jackson's inauguration and the subsequent scramble for office — Proscriptions among the office-holders — Benton's views — Assaults on the bank — Biddle's correspondence with Woodbury and Ingham — Jackson's attack on the bank in his first annual message — Foot's resolution on public lands — Benton's speech — The debate between Webster and Hayne — The nullification toasts of Jackson, Calhoun and Van Buren — Madison's letter on nullification — The debate on internal improvements — The tariff bill of 1830 — The debate on the renewal of the Bank charter.

AFTER the electoral vote had been counted and Jackson had been declared President-elect, he was beset from morning till night with a host of office-seekers, office-holders, and admirers. For the first time since 1801 there was evidence of a complete political revolution and a real change in the administration. Never before had the will of the Nation respecting a change in the administration been expressed so clearly and emphatically.

Up to this time the Spoils System was comparatively unknown in National politics. When the Republicans came into office, succeeding party changes brought retaliation and both parties were soon committed to the practice. Popular approbation confirmed, and popular apathy allowed, appointments made exclusively for political reasons, and changes were so frequent that there was no time to investigate merit.* In 1820 New York had attempted to adopt a reform when a new constitution was adopted. The Council of Appointment was abolished and the power and responsibility were concentrated in the hands of the governor and the senate, while the number of appointive offices was greatly decreased by placing the election of militia officers and justices of the peace in the hands of the people.† The Spoils System, however, was too firmly intrenched to yield, and, as we have seen, the Al-

* Roosevelt (*Life of Benton*, p. 79 *et seq.*) says it is unfair to assert that Jackson was the originator of the Spoils System, though he was certainly its foster-father. It was from the Eastern men that this most effective method of debauching political life came. See also Peck, *The Jacksonian Epoch*, p. 330 *et seq.*

† See Shepard, *Martin Van Buren*, pp. 65–73; Bancroft, *Martin Van Buren to the End of His Public Career*, pp. 62–109.

bany Regency became the dominant power in the State.* The advantages of this system in building up and holding together a political organization did not escape the attention of politicians of other States. Proscriptions were carried out in Rhode Island in 1810 and in Massachusetts in 1813; and, while they did not lead to a permanent introduction of the Spoils System in these States, they showed the existence of a class anxious to see the public offices turned over to the politicians. Gradually the politicians began to tinge the National service in their States and could not rest satisfied until they had elected to the Presidency a man who approved of their principles and would apply the Spoils System throughout the Nation. Such a man they found in Andrew Jackson. After four years of ceaseless agitation, they triumphed, and it was folly to suppose that they would let power remain in the hands of the party they had overthrown.

After Jackson's election and before his term of office began, many offices had become vacant through death and resignation. Adams immediately nominated persons to fill these vacancies; but, as the majority of the Senate were friendly to Jackson, the nominations were held up until after March 4, with the avowed purpose of giving the new President the patronage of the appointments.* Having given this first indication of what was to come, the House and Senate next took away the public printing from the *National Intelligencer* and gave it to Duff Green, the proprietor of the *Telegraph*. Being thus informed of what they might expect, the office-seekers looked forward with high hopes to March 4 and the office-holders with apprehension.†

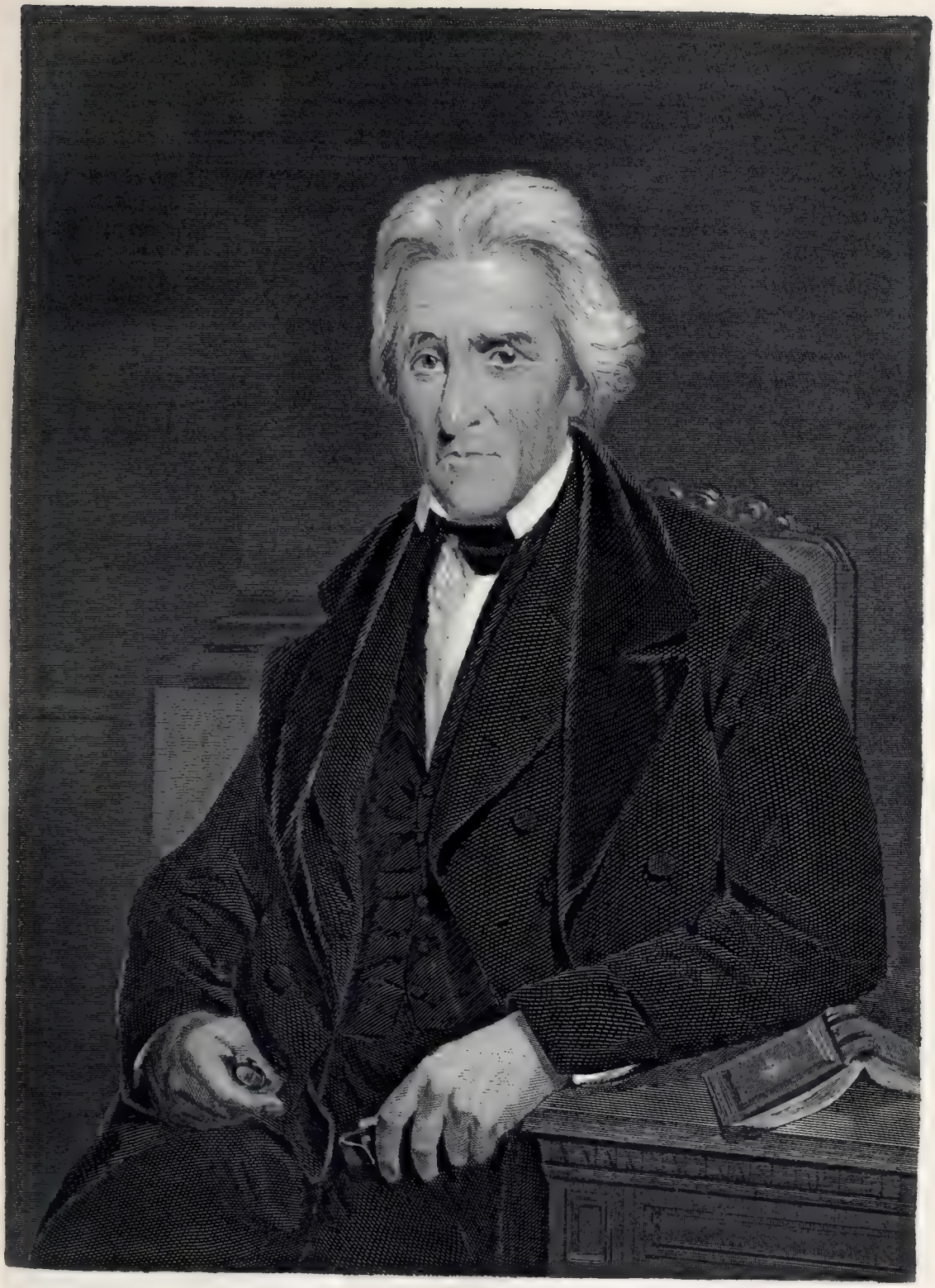
The ceremonies attending Jackson's inauguration were of the simplest kind; there was no parade, no music, and none of the pomp and show which had characterized some of the previous inaugurations. The President walked to the Capitol, made his way to the Senate Chamber, and then from the east portico and in the presence of the large concourse, delivered his inaugural address.‡ It was one of the briefest inaugural addresses in history, was plainly expressed, and indicated Jackson's views on the great questions of policy and government which would be likely to require his attention. After the address was delivered, Chief Justice John Marshall administered the oath of office, and then a wild scramble to grasp the hand of the people's President ensued. Mounting his horse, Jackson started for the White House, followed "by a motley crowd riding, running helter-skelter, each striving to be the

* Regarding this see also Von Holst, *Constitutional and Political History*, vol. ii., p. 20 *et seq.*

* Daniel Webster's *Works*, vol. i., p. 359.

† See Schouler, *United States*, vol. iii., p. 458 *et seq.*

‡ See Richardson, *Messages and Papers*, vol. ii., pp. 436–438.



Andrew Jackson

first to gain admittance into the executive mansion, where it was understood that refreshments were to be distributed."* "The reign of King Mob seemed triumphant."† The scramble for refreshments at the White House was the forerunner of a yet more indecent scramble for office at the hotel where Jackson continued to reside for some days.‡

The President did not leave the country long in doubt as to his conception of the term "reform," which had been the rallying cry during the election. That a general proscription was to follow, even his opponents had not thought likely, for he had come to the Presidency as an avowed advocate of civil service and twice during his career had placed himself on record as opposed to the partisan use of patronage in the governmental departments.* The Post-office afforded the most excellent machine for party organization, for on its roll were 27,000 employees scattered from Maine to Louisiana and performing the work of nearly 8,000 post-offices. In this department, therefore, the work began, but Jackson soon found trouble with Postmaster-General McLean, who refused to make the removal of postmasters Jackson expected, and, as his determination could not be shaken, he was nominated and confirmed Supreme Court Justice whereupon, as before stated, William T. Barry became Postmaster-General.† Within a few days the chief clerks of the departments, 22 collectors of customs, 14 surveyors of the customs, 7 registrars of the land office, 3 receivers of the public money, 2 naval port officers and 2 pursers in the navy, and William Henry Harrison, minister to Colombia, were turned out of office. Next went the chief clerks of the departments, and immediately the petty office-holders became panic-stricken and the office-seekers made noisy and impudent applications for their

* Schouler, *United States*, vol. iii., p. 455; Parton, *Life of Jackson*, vol. iii., pp. 170–171.

† Story, *Life of Story*, vol. i., p. 563.

‡ Schurz, *Life of Clay*, vol. i., pp. 333–334; Curtis, *Life of Webster*, vol. i., p. 338. It was supposed that the Cabinet would be as follows: Martin Van Buren, then Governor of New York, Secretary of State; Samuel D. Ingham, of Pennsylvania, Secretary of the Treasury; John H. Eaton, of Tennessee, Secretary of War; John Branch, of North Carolina, Secretary of the Navy; John McPherson Berrien, Attorney-General; and John McLean, of Ohio, Postmaster-General. The supposition proved to be correct, save that McLean, who then held the Postmaster-Generalship, was nominated and confirmed on March 7 as Associate Justice of the Supreme Court, to take the place of Justice Tremble, and William T. Barry, of Kentucky, became Postmaster-General in the place of McLean. See Sumner, *Life of Jackson*, p. 141; Parton, *Life of Jackson*, vol. iii., pp. 174–179; Schouler, *United States*, vol. iii., pp. 456–457; Shepard, *Martin Van Buren*, p. 151; MacDonald, *Jacksonian Democracy*, p. 47 *et seq.*

* MacDonald, *Jacksonian Democracy*, pp. 55–56. Webster said: "What it [the inaugural address] says about reform in office may be either a prelude to a general change in office or a mere sop to soothe the hunger, without satisfying it, of the thousand expectants for office who throng the city and clamor all over the country. I expect some changes, but not a great many at present."—Fletcher Webster, *Private Correspondence of Daniel Webster*, vol. i., p. 473.

† Schouler, *United States*, vol. iii., pp. 457–458.

places.* Every day the work of proscription went on and a batch of the unfaithful were dismissed. Jackson was besieged by a swarm of office-seekers and it was said that the avenues to his house were blocked by applicants. One of the office-seekers (Samuel Swartwout) expressed the feelings of them all when he said:

"No damned rascal who made use of his office or his profits for the purpose of keeping Mr. Adams in and General Jackson out of power is entitled to the least lenity or mercy, save that of hanging. * * * Whether or not I shall get anything in the general scramble for plunder remains to be proved; but I rather guess I shall. * * * I know Mr. Ingham slightly and would recommend you to push like a devil if you expect to get anything from that quarter."†

By July it was estimated that 300 postmasters in as many cities, towns, and villages had been deprived of office, and the clerks, when there were any, had been ejected by the new power. Before Congress met, 4 new ministers plenipotentiary had been appointed; 2 new chargés and 4 new secretaries of legation; the marshals and district-attorneys had been changed in 16 States; 48 collectors, surveyors, naval officers, and appraisers had been removed; 26 receivers and registrars in land offices had made way for other men; 21 new consuls had been appointed; and in the department at Washington 46 changes had been made. In the course of the nine months of the recess 167 removals and appointments had taken plac in which the Senate had no voic Within a year 491 postmasters wer displaced and others appointed i their places;* more than 300 of thes removals were in States or Terri tories which had voted for Adams while only 160 took place in States o Territories which had supporte Jackson. Thus during the first yea of the administration fully 70 changes in Government offices wer made.†

Unusual interest attached to th President's first message, for Sout Carolina was in revolt against th tariff, Georgia clamored for the re moval of the Indians, the public land question was being agitated in th West, the anti-slavery question wa beginning to assume prominence, an the removals from office had arouse intense indignation throughout th country. But these questions gav little concern to Jackson, who wa mostly concerned about the Bank o the United States, an institution con cerning which comment was least ex pected. It is true that the bank ha been an object of bitter hatred by a large part of the people, and had bee denounced by political leaders an the tradesmen. State after State ha attempted to drive the bank from it jurisdiction or to prevent the estab

* McMaster, vol. v., p. 528.

† W. L. Mackenzie, *Life and Times of Martin Van Buren*, p. 197; Parton, *Life of Jackson*, vol. iii., p. 211; Shepard, *Martin Van Buren*, p. 177.

* Sumner, *Life of Jackson*, p. 147; Parton *Life of Jackson*, vol. iii., p. 210; *Niles' Register* vol. xxxviii., p. 59.

† Buell, *History of Andrew Jackson*, vol. ii. pp. 216–217; Schurz, *Life of Clay*, vol. 1, p 334; Schouler, *United States*, vol. iii., p. 463.

lishment of further branches. The enactments took various forms, from compelling all banks doing business within the State to secure a charter from the legislature, to the imposition of a heavy tax on the branches. Petitions were also adopted, requesting Congress to amend the Constitution so as to forbid the chartering of any bank by Congress for conducting business outside the District of Columbia.

Meanwhile the bank had come into possession of many thousands of acres of land in Kentucky and Ohio on which it had loaned money and which the hard times in 1819 forced the farmers to sell. This property rapidly appreciated and saved the bank from financial ruin, while the attacks of the States were averted by the Supreme Court in the cases of McCullough *vs.* Maryland, and Osborne *vs.* The Bank of the United States. But though these banks were protected, the hatred of thousands of western borrowers and numerous State banks was never abated, and no opportunity was lost to make an attack. With the election of Jackson, these assaults became serious. During the campaign it was charged that several branches of the bank had spent money and used their influence to defeat Jackson, and had the Federalists triumphed in the election, undoubtedly these charges would soon have been forgotten. After Jackson's election, however, Postmaster-General McLean wrote to Nicholas Biddle, president of the bank, complaining of the action of the Kentucky branches. He suggested that the directors be drawn from both political parties, and sent a list of Jackson men in Kentucky, from which suitable directors might be chosen. The accused bank officers denied the charges against them, and said that the men nominated by them were unfit to be directors, and would certainly turn the bank into a Jackson machine.* On January 11, 1829, Biddle assured McLean that the bank was not meddling with politics, declaring that the plan suggested would force incompetent persons on the bank. With this correspondence the attack ended for the time being.†

Shortly after Jackson's inauguration an attack was made on the branch of the bank at Portsmouth, New Hampshire. On June 27, 1829, Levi Woodbury, one of the Senators from New Hampshire, wrote a letter to Samuel D. Ingham, stating that Jeremiah Mason, manager of that branch, was not altogether civil in his manners and was partial to anti-Jackson men in making loans and collections.‡ Woodbury's letter was sent to Biddle, with a note in which the Secretary hinted that the hostility of the bank

**Senate Doc.* 17, 23d Congress, 2d session, pp. 298–299, 301, 304, 305.

† R. C. H. Catterall, *The Second Bank of the United States*, pp. 171–172.

‡ Parton, *Life of Jackson*, vol. iii., pp. 260–261; *House Report* 160, 22d Congress, 1st session; Dewey, *Financial History*, p. 200; Schurz, *Life of Clay*, vol. i., p. 353.

toward the administration was the real cause of the trouble. Biddle denied Woodbury's charges and assured the Secretary that the bank was not concerned with political affairs and never had used its power for either local or party purposes.* Several members of the New Hampshire legislature, however, requested that a change be made in the board of directors of the Portsmouth branch, and named 10 persons suitable to form a new board — a request which Isaac Hill, second comptroller of the currency, heartily endorsed.† In a letter dated July 17, 1829, Hill said that the board had invariably consisted of opponents of the administration, but of the suitable persons named by the New Hampshire people, six were friends of the last administration and four of the present administration.‡ In answering Hill's letter, Biddle said that evidently the Secretary believed that "the relations between the government and the bank confer some supervision of the choice of officers of the bank," that "there is some action of the government not precisely explained, but of which he is the agent," and "that it is his right and duty to suggest the views of the administration as to the political opinions and conduct of the officers of the bank." From this belief the directors dissented, acknowledging no responsibility whatever for the political opinions of its officers, either to the Secretary or to the Executive, nor did they consider freedom from political bias impossible.* The Secretary replied on October 5, reminding Biddle that the Administration could act on the banks in two ways. The President could appoint five directors; the secretary could remove the Government deposits for which the bank itself had furnished a good reason — the use of its power for political purposes.† Biddle now saw that he had gone too far, and under the apprehension that Jackson might attack the bank in his message to Congress, he wrote to Ingham on October 9, 1829, attempting to smooth over the matter. He also appointed several Jackson men to direct the affairs of a few branch banks, and toward the middle of November, went in person to Washington, and saw the President.‡ It is probable that at this time Jackson had no ill-feeling toward Biddle, that he was grateful for the services rendered by the bank in paying the July installment of the public debt, and that he promised to say so in his first annual message.||

* Sumner, *Life of Jackson*, pp. 236–238; White, *Money and Banking*, p. 291; Von Holst, *Constitutional and Political History*, vol. ii., p. 33; Parton, *Life of Jackson*, vol. iii., pp. 262–263.

† Von Holst, *Constitutional and Political History*, vol. ii., pp. 33–34.

‡ See the letter quoted in White, *Money and Banking*, pp. 288–289.

* Sumner, *Life of Jackson*, p. 239; Schouler, *United States*, vol. iii., p. 475.

† Sumner, *Life of Jackson*, p. 240; White, *Money and Banking*, p. 292; Parton, *Life of Jackson*, vol. iii., p. 267.

‡ Catterall, *Second Bank*, p. 190 *et seq.*

|| Schouler, *United States*, vol. iii., p. 474.

Biddle seemed well pleased with the result of his visit, but hardly had he returned when he received warning from Alexander Hamilton (November 27) that the President would declare himself against a renewal of the charter.

Jackson had come to the conclusion that the bank was unconstitutional; that it had failed to provide a sound currency for the country; that it ought to be replaced by a totally different sort of an institution, and that it was his duty to lay the matter before Congress.* His idea was that this bank should be a National bank of deposit, with power in time of war to issue bills bearing a moderate rate of interest and payable on the return of peace, for such bills guaranteed on the faith of the Nation and based on the revenues would do away with loans in time of war and would readily be taken by bankers and capitalists. Accordingly in his first annual message of December 8, 1829, Jackson violently attacked the bank, though his attack was unproductive of results for some time.†

The important part of the message was referred to the Committee on Ways and Means, while the other parts were referred to the proper committees. For some time the chief business of the Senate consisted in receiving reports of committees, referring petitions, and disposing of motions for injury. Among the latter was one offered on December 29, 1829, by Senator Samuel A. Foot, of Connecticut. His resolution as finally amended was as follows:

"*Resolved*, That the committee on public lands be instructed to inquire and report the quantity of public lands remaining unsold, within each state or territory; and whether it be expedient to limit, for a certain period, the sales of the public lands to such lands only as have heretofore been offered for sale, and are subject to entry at the minimum price; and also, whether the office of surveyor-general, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales, and extend more rapidly the surveys of the public lands." *

Foot's design in proposing this resolution seemed obvious. The average annual sales of public lands amounted to about 1,000,000 acres and there were still 100,000,000 acres of the National domain already surveyed remaining unsold. This he thought would supply the market for more than a generation, even though the annual sales should increase far more rapidly than was at all probable. If his suggestions were adopted, therefore, a considerable retrenchment of the public expenditure might be effected without any diminution of the revenue from that source or any

* For his views respecting the Bank see Buell, *History of Andrew Jackson*, vol. ii., p. 233 *et seq.*

† The entire message will be found in Richardson, *Messages and Papers*, vol. ii., pp. 442–462; *Register of Debates*, vol. vi., pt. ii., app., pp. 3–19; Benton, *Abridgment*, vol. x., pp. 405–414; in the *House and Senate Journals*, 21st Congress, 1st session; *Niles' Register*, vol. xxxvii., pp. 247–254; and for the section relating to the bank, *House Journal*, pp. 27–28; MacDonald, *Select Documents*, pp. 238–239.

* *Register of Debates*, vol. vi., pt. i., pp. 3–4; *Niles' Register*, vol. xxxvii., pp. 291, 378.

actual hindrance to the settlement of the West. When a resolution proposing an inquiry was presented, it was the usual course to postpone the discussion until the committee should report to Congress. On the present occasion, however, this course was not pursued, for hardly had the resolution been introduced when Senator Benton declared that he was against a reference to committee. He said that while it was unusual to oppose the reference of a resolution of inquiry, this was a resolution to inquire into the expediency of doing a great injury to the new States of the West and ought not to be allowed. He therefore moved to put the resolution on the calendar and make it the order of the day for some future date.* This was done and, early in January of 1830, the discussion was resumed. On January 18 Benton made a speech in which he again opposed a reference and asserted that the resolution presented three distinct propositions: to stop the survey of public lands, to limit sales of land already in the market, and to do away with the office of Surveyor-General.† He said this would check emigration to the new States in the West, would retard the other settlements, and would deliver up large portions of them to the dominion of wild beasts, to which he for one would never consent.* He resisted the reference of the resolution on the ground that it was never right to inquire into the expediency of doing wrong.

The discussion then drifted to other subjects and, as Webster said, the resolution itself was almost the only subject not considered. The chief interest in the debate was the discussion by Webster and Robert Y. Hayne of the nature of the Union. The resolution was taken as an indication of hostility on the part of the East, and particularly New England, to the development of the West. Being bitterly opposed to the tariff of 1828, regarded as a sectional measure, the South was ready to join with the West in resisting any supposed attempt of the East to control the National policy.

On January 19 Hayne followed Benton with a speech much in the same vein. Reviewing the land policies of England, France, and Spain in colonial times, he then compared these with the land policy of the United States. He drew a dismal picture of the manner in which the settler on public lands who spent this money not in the West but in the East was stripped of his money by the Government. He said that there were two irreconcilable opinions as to the policy of the Government in relation to public lands. Some contended that the lands should be reserved so as to

* For the debate see *Register of Debates*, vol. vi., pt. i., pp. 4–6, 11–16.

† *Ibid*, vol. vi., pt. i., p. 22 *et seq.*

* McMaster, *Life of Webster*, pp. 158–160. See also Houston, *Nullification in South Carolina*, p. 87.

ROBERT Y. HAYNE.

form a permanent fund for revenue and future distribution among the States. Others insisted that the public lands belonged and ought to be relinquished to the States in which they were. Hayne said that if the lands were reserved as a permanent fund for revenue, this would create an enormous corruption fund, would enable Congress and the executive to control the States, corporations and individuals, and thus ruin the purity of our institutions and the sovereignty and independence of the States. The life-blood of our Government was the independence of the States, and the further consolidation of the Government was an evil to be shunned. There was another object to which the public lands might be applied, Hayne said, and that was to create and maintain in certain parts of the Union a population fit to toil in great manufacturing establishments. By limiting the sales of land in the West it would furnish to the manufacturing States that low and degraded population which infested the cities and towns in Europe, and having no other means of gaining a livelihood, worked for the lowest wages. That the Government should arbitrarily pass legislation to adjust the pursuits of society was monstrous, but it was still more monstrous to pauperize the people so that the rich mill and factory owners might amass great wealth from the labors of people whom the Government itself kept in poverty. He therefore abhorred the idea that the power of the Government should ever be used for such purposes.*

On the 20th Webster replied to Hayne defending New England against the charge of opposition to the West.† He had not been in the Senate when Benton attacked the East and did not know that he had spoken, but he was present while Hayne spoke and took notes on what he said.‡ Webster denied the allegations that the policy of the Government toward the Western States had been harsh or severe, that the Government had been careless of their interest or deaf to their requests, and ridiculed Hayne's fears that the public lands might become a means of corrupting and consolidating the Government. "Consolidation!" said he, "that perpetual cry, both of terror and delusion — consolidation! Sir, when gentlemen speak of the effects of a common fund, belonging to all the States, as having a tendency to consolidation what do they mean? Do they mean, or can they mean, anything more than that the union of the States will be strengthened by whatever continues or furnishes inducements to the people of the States to

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* *Register of Debates*, vol. vi., pt. i., pp. 31–35; Benton, *Abridgment*, vol. x., pp. 418–421; *Niles' Register* vol. xxxvii., pp. 415–418; McMaster, vol. vi., pp. 14–15. See also Jervey, *Robert Y. Hayne and His Times*, p. 235; Houston, *Nullification in South Carolina*, pp. 87–88.

† *Register of Debates*, vol. vi., pt. i., pp. 35–41; *Niles' Register*, vol. xxxvii., pp. 435–440; Benton, *Abridgment*, vol. x., pp. 421–423. See also Jervey, *Robert Y. Hayne*, p. 237 *et seq.*

‡ McMaster, *Life of Webster*, p. 161.

hold together? * * * This is the sense in which the framers of the Constitution used the word consolidation." He said he desired no greater powers for the general government, but he rejoiced in anything that might strengthen the bond uniting, establishing, and perpetuating the Union, for he believed that the union of the States was essential for the safety and well-being of the individual States. He then denied that the East was hostile to the West; enumerated the many benefits the East had conferred on the West; stated that, if the votes of New England members were stricken from the list of ayes on any measure for the benefit of the West, it would be found that in every case the South had voted down the West and that the measure would have failed. He ended his speech by moving that Foot's resolution be indefinitely postponed.*

This speech made a profound sensation, and on the following day, when Hayne was expected to reply, the gallery was packed; the lobbies and even the Senate floor itself were invaded. After routine business had been disposed of, it was moved that consideration of the Foot resolution be postponed until Monday, as Webster, whose time would be occupied in court, wished to hear the discussion, but could not be present earlier. Hayne objected, however, and Webster induced the Senate to let the discussion proceed.* Hayne then began his reply, continuing to speak until candlelight, when the Senate adjourned until Monday, January 25.† On that day Hayne resumed his reply and spoke until four o'clock.‡ Webster then obtained the floor for the following day, and the Senate arose. On the next day (the 26th) Webster began his great reply to Hayne, which was considered conclusive and unanswerable. Those who heard Webster were fully convinced that he was by far the greatest man in Congress, and this was the universal verdict.||

To those who heard and read the speeches of Benton, Hayne, and Webster, it seemed that Hayne was attempting to unite the South and West against the East, and that it was his purpose to prove that not only was the East attempting to injure the West by preventing emigration, but that she was injuring the South by a high protective tariff. In his speech Hayne declared that no evil was more to be deprecated than the consolidation of the Government, and it was this remark that Webster seized upon as affording a proper occasion to attack what he called the South Caro-

* McMaster, *United States*, vol. vi., pp. 16–17; *ibid*, *Life of Webster*, pp. 162–166; Tefft, *Life of Webster*, pp. 263–265; Houston, *Nullification in South Carolina*, p. 88 *et seq*.

* Curtis, *Life of Webster*, vol. i., p. 357.

† *Register of Debates*, vol. vi., pt. i., pp. 41–42; *Niles' Register*, vol. xxxviii., p. 10 *et seq.*

‡ *Register of Debates*, pp. 43–58; Benton, *Abridgment*, vol. x., pp. 423–428.

|| McMaster, *Life of Webster*, p. 182 *et seq.*; Tefft, *Life of Webster*, pp. 265–266.

lina Doctrine. In replying, Hayne said that if the general government were the sole judge of the extent as well as of the limitations of its powers, then the States had lost their sovereignty and independence. If the Federal government may prescribe the limits of its authority, if the States were bound to submit to this authority, if they may not examine and decide for themselves when the National government had overleaped the barriers of the Constitution, then the power of the Government is surely unlimited, the States reduced to petty corporations, and the people entirely at the mercy of Congress.*

In his second reply to Hayne on January 26, 27,† Webster delivered the speech that won him the popular title of defender and expounder of the Constitution. He stated that the five principles of the South Carolina Doctrine were that, whenever the Government should transcend its constitutional limits, the State legislatures had the right to interfere and arrest the operation of its laws; that this right existed under the Constitution, but was not a revolutionary one; that the States possessed this right to interfere for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion to the extent of its powers; that neither the general government nor any branch possessed the ultimate power of judging the constitutional extent of its authority, but that the States might decide for themselves, and each State for itself, whether any act of the general government transcends its powers; and that a State might annul any act of the general government which it should deem plainly and palpably unconstitutional. He said that these principles arose from the misconception as to the origin of the government, its true character, and the sources of its power. "If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it." If the general government were the agent of the State government, then 'it is the servant of four and twenty masters of different wills and different purposes, and yet bound to obey all. But this was not the true conception.

"It is, sir, the people's government; made for the people; made by the people; and answerable to the people. The people of the United States have declared that this constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to

* Jervey, *Robert Y. Hayne and His Times*, pp. 241–252; Houston, *Nullification in South Carolina*, pp. 91–92.

† *Register of Debates*, vol. vi., pt. i., pp. 58–80; *Niles' Register*, vol. xxxviii., pp. 25–48; Benton, *Abridgment*, vol. x., pp. 428–438; Webster's *Works* (ed. 1857), vol. iii., pp. 248–257. Excerpts from the speeches of both are given in *MacDonald, Select Documents*, pp. 240–259.

the General Government, so far the grant is unquestionably good, and the government holds of the people and not of the State Governments. We are all agents of the same supreme power, the people. The General Government and the State Governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted and the other general and residuary. * * * Where do [the States] find the power to interfere with the laws of the Union? * * * I hold it to be a popular Government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people as the State Governments. It is created for one purpose; the State Governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress than with Congress to arrest the operation of their laws. We are here to administer a constitution emanating immediately from the people, and trusted, by them, to our administration. It is not the creature of the State Governments. * * * This government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures. Nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. * * * Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted was, to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had quite enough of that kind of government under the Confederacy. * * * If anything be found in the national constitution, either by original provision, or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any consideration be established, unacceptable to them, so as to become practically a part of the constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is; while they are satisfied with it, and refuse to change it, who has given, or who can give, to the State legislatures, a right to alter it, either by interference, construction, or otherwise? * * * The people of the United States have, at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpert their high instrument of government much less to interfere, by their own power, to arrest its course and operation."

He concluded his speech by saying that he hoped his eye would never witness the severing of the bonds which unite us together, that he might not see the broken and dishonored fragments of a glorious union of States — a land rent with evil feuds or drenched in fraternal blood.

"Let their [his eyes] last feeble, lingering glance, rather, behold the gorgeous ensign of the republic now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured — bearing for its motto no such miserable interrogatory as, *What is all this worth?* Nor those other words of delusion and folly, *Liberty first and union afterwards* — but everywhere, spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart — Liberty and Union, now and forever, one and inseparable!" *

Webster's reply to Hayne compelled the latter to explain his position more fully, which he did on the 27th.† Hayne said that the States had not lost their sovereignty on the adoption of the Constitution, but that such powers as were not delegated to the United States by the Constitution were reserved to the States, therefore,

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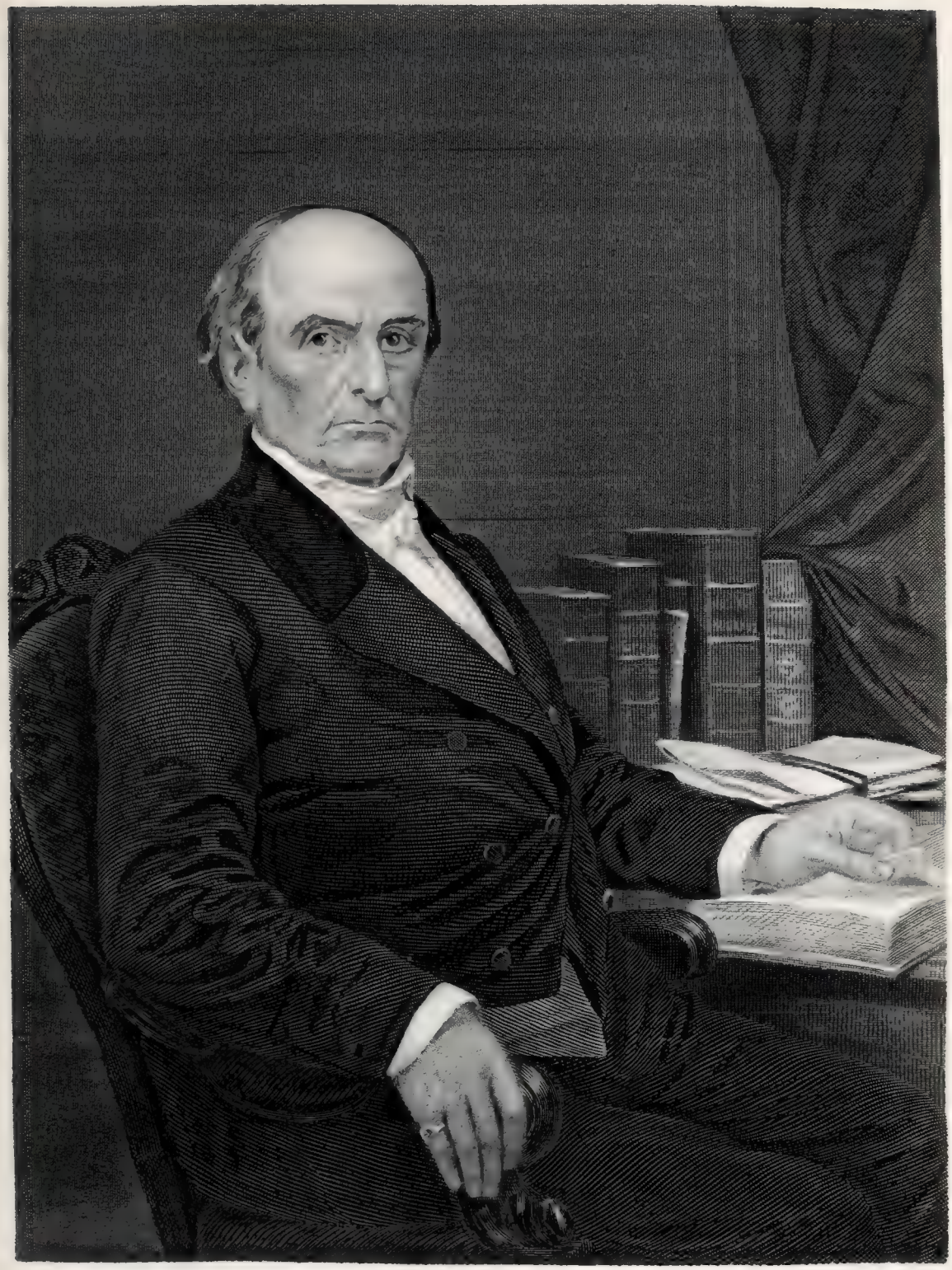
* McMaster, *Life of Webster*, pp. 174–181; Tefft, *Life of Webster*, pp. 267–279. See also Jervey, *Robert Y. Hayne and His Times*, pp. 253–259; Houston, *Nullification in South Carolina*, p. 92 *et seq.*

†*Register of Debates*, vol. vi., pt. i., pp. 82–92; Benton *Abridgment*, vol. x., pp. 438–447.



Daniel Webster

the true nature of the Constitution was a compact to which the States were parties — by which they had consented that certain designated powers should be delegated by the general government in the manner prescribed in the instrument, and by which strictly delegated powers the Federal government had no right to act. He said that the whole form and structure of the Federal government, the opinions of the framers of the Constitution, and the organizers of the State governments admit that, though the States have surrendered certain specific powers, they have not surrendered their sovereignty. He denied that the Constitution was framed in the sense by which that word was used by Webster, for he said that where the words, "We the people of the United States" appeared, it was clear that they could only relate as people to the citizens of the several States, because the Federal government was not then in existence. To show that in entering into this compact the States acted in their sovereign capacity, and not merely as parts of one great community, what can be more conclusive than the historical fact that, when every State save one had consented to it, she was not held to be bound. The States had not given away the right of determining the limits of their powers, but had merely granted to the Federal government certain specific powers. Now, the moment the Federal government should step beyond the limits of its charter, the rights of the States "to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them" are as full and complete as they were before the Constitution was framed. He said that there was no reason why the simple difference of opinion as to the true construction of the compact ever should cause war between States. Rival nations had existed in friendly relations for centuries, and there was no reason why friendly States could not do likewise. But if Congress should ever attempt to enforce laws repugnant to the States, it would put itself so clearly in the wrong that no one could possibly doubt the right of the States to exert their protecting power.*

Webster briefly replied to this speech saying that Hayne's argument considered but two propositions and one inference.† His propositions were first, that the Constitution is a compact between States; second, that the compact beween two with authority reserved to one to interpret its terms would be a surrender to that one of all power whatever. The inference was that the general government does not possess the authority to construe its own powers. If the Constitution were a compact between the States and the States only are parties to that

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* Jervey, *Robert Y. Hayne and His Times*, pp. 260–264.

† *Register of Debates*, vol. vi., pt. i., pp. 92–93; Benton, *Abridgment*, vol. x., pp. 447–448.

the true nature of the Constitution was a compact to which the States were parties — by which they had consented that certain designated powers should be delegated by the general government in the manner prescribed in the instrument, and by which strictly delegated powers the Federal government had no right to act. He said that the whole form and structure of the Federal government, the opinions of the framers of the Constitution, and the organizers of the State governments admit that, though the States have surrendered certain specific powers, they have not surrendered their sovereignty. He denied that the Constitution was framed in the sense by which that word was used by Webster, for he said that where the words, "We the people of the United States" appeared, it was clear that they could only relate as people to the citizens of the several States, because the Federal government was not then in existence. To show that in entering into this compact the States acted in their sovereign capacity, and not merely as parts of one great community, what can be more conclusive than the historical fact that, when every State save one had consented to it, she was not held to be bound. The States had not given away the right of determining the limits of their powers, but had merely granted to the Federal government certain specific powers. Now, the moment the Federal government should step beyond the limits of its charter, the rights of the States "to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them" are as full and complete as they were before the Constitution was framed. He said that there was no reason why the simple difference of opinion as to the true construction of the compact ever should cause war between States. Rival nations had existed in friendly relations for centuries, and there was no reason why friendly States could not do likewise. But if Congress should ever attempt to enforce laws repugnant to the States, it would put itself so clearly in the wrong that no one could possibly doubt the right of the States to exert their protecting power.*

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* Jervey, *Robert Y. Hayne and His Times*, pp. 260–264.

† *Register of Debates*, vol. vi., pt. i., pp. 92–93; Benton, *Abridgment*, vol. x., pp. 447–448.

compact, how then does the general government itself become a party? Upon the Hayne hypothesis the general government is the result of the compact — the creature of the compact, not one of the parties to it, yet the argument, as the gentleman now stated, makes the government itself one of its own creatures; it makes it a party to that compact to which it owes its own existence. Webster said that Hayne considered the States as parties to the compact, but as soon as his compact is made, then he chooses to consider the general government, which is the offspring of that compact, not its offspring but one of its parties, and so, being a party, has not the power of judging of the terms of the compact.

The debate thus started by Webster and Hayne dragged on until late in May, never losing the lofty character given it by the two great leaders.* Very little was said on the subject of the resolution itself, though almost everything else under the sun was discussed. It was, in truth, not a debate but a long wrangle, in which sectional jealousy, party hatred, and personal animosity broke forth continually. Among those who discussed the constitutional issue were many who differed from every argument put forth by Webster and Hayne, the details of which, however, we cannot give. Finally on May 21, after the Senators had talked themselves hoarse, the resolution was laid on the table* and the great debate on State rights ended.†

As yet the President had said nothing that would justify the supporters of either side in claiming his endorsement. That he should do so — and quickly — was important, and to bring this about the leading nullifiers in Congress formed a plan. They determined to celebrate April 13, the birthday of Thomas Jefferson, the father of nullification, by a great political dinner to which the President, the Cabinet officials and many other prominent men were invited.‡ A number of formal toasts were prepared which were followed by long continued cheering, etc. At the end of these toasts the diners were expected to offer such toasts as they pleased without being formally called upon to do so. The President was requested by the toastmaster to express a sentiment. This was the moment most anxiously awaited and the sole purpose for which the dinner had been proposed. Up to this point of the celebration Jackson had given no indication of what he thought. When he arose, therefore, the nullifiers were horrified to hear him say, "Our Fed-

* For speeches see *Register of Debates*, vol. vi., pt. i., pp. 95–172, 179–220, 223–244, 247–272, 277–302, 435–452; Benton, *Abridgment*, vol. x., pp. 449–463, 472–483, 486–497, 504–511.

* *Senate Journal*, 21st Congress, 1st session, p. 316.

† McMaster, vol. vi., pp. 27–30. See also Curtis, *Life of Webster*, vol. i., p. 359 *et seq.*; Benton, *Thirty Years' View*, vol. i., chap. xliv.; Sargent, *Public Men and Events*, vol. i., pp. 169–175; Edward Everett in *North American Review*, vol. xxxi., pp. 462–546.

‡ Schouler, *United States*, vol. iii., p. 492.

eral Union: It must and shall be preserved."* Calhoun was then called upon for a toast, which was given as follows: "The Union: next to our liberty most dear. May we all remember that it can only be preserved by respecting the rights of the States and by distributing equally the benefits and burthens of the Union."† Van Buren next arose and proposed "Mutual forbearance and reciprocal concessions. Through their agency the Union was established. The patriotic spirit from which they emanate will forever sustain it." The nullifiers were thrown into despondency by these toasts, particularly that of Jackson, but the anti-nullifiers asserted that the President had in fact declared to the South, "You may complain of the tariff and perhaps with reason, but so long as it is the law of the land, it shall be enforced, so surely as my name is Andrew Jackson."‡ The anti-nullifiers then requested Madison to express his sentiments, which he did in August in a letter to Edward Everett. He then said that the Constitution provided a mixture of consolidated and confederate government. The Government was not formed by the governments of the component States, nor by the majority of the people of the United States as a single community. It was formed *by* the States, that is, the people in each of the States acting in their highest sovereign capacity, and formed consequently by the same authority which formed the State constitutions. The Constitution was derived from the same source as the several constitutions of the States and had the same authority within each State as the State constitution, with this essential difference that, being a compact between the States, and for certain purposes constituting the people thereof into one people, it "cannot be altered or annulled at the will of the States individually as the constitution of a State may be." Madison denied that nullification was a proper method of settling controversies between two constitutional governments, one of which operated in all the States while the other operated separately in each. To protect the States against usurpation and abuses on the part of the United States, the final resort was an amendment to the Constitution; but, if every constitutional resort failed and the Government still continued its usurpation and abuses, the last appeal was to "original rights and the law of self preservation."*

While the Senators were engaged in their wrangle over Foot's resolution, a similar scene was taking place in

* Sumner, *Life of Jackson*, p. 156; Parton, *Life of Jackson*, vol. iii., p. 283. Regarding the phraseology of the toast see note in Buell, *History of Andrew Jackson*, vol. ii., p. 241.

† Hunt, *Life of Calhoun*, p. 142; Brady, *The True Andrew Jackson*, pp. 321–328; Houston, *Nullification in South Carolina*, p. 97.

‡ McMaster, vol. vi., p. 33.

* The entire letter will be found in volume iv. of this History, pp. 397–402. See also his letter of October 16, in *Niles' Register*, vol. xxxix., pp. 126–128.

the House. On December 17, 1831, a motion was introduced to instruct the Committee on Public Lands to inquire into the expediency of distributing the net annual proceeds from the sales of public lands among the States to be used for educational purposes and internal improvements.* A long debate followed in which the South and West were arrayed against the East and during which threats of secession were openly made.† A bill to construct a National road from Buffalo to New Orleans was also assailed in the same spirit.‡ It was argued that such a highway would more closely unite the Union, expedite the transportation of mail, make more easy communication between western New York, Pennsylvania, Maryland, Virginia and the Western States, and be of inestimable value to the Government in case of war, as troops and munitions of war could be more easily transported to exposed points on the northern frontier. The opponents of the measure said that no money ought to be expended on internal improvements until the National debt had been paid. They said that if then a surplus remained over the expenditures of the Government for necessary purposes, it should be distributed among the States and not spent by the general government for purposes which would consolidate its powers and injure the reserved rights of the States. It was asked whether the Government would assume jurisdiction over the road and punish offences committed on it. Must a system of excessive taxation be entered for having internal improvements made to get rid of the surplus this created? A member from New York said that though the bill was ostensibly to construct a road from Buffalo, by way of Washington, to New Orleans, it should be entitled, "A bill to construct a road over the liberties of the country, by way of Washington, to despotism." Lee, of Tennessee, said that he considered the bill as a complete subversion of State authority and as the most daring attempt upon State jurisdiction ever before a Congress. To pass it would involve a direct collision with some of the States of the Union. The outcome of the matter was that on April 14, 1830, the bill was rejected by a vote of 105 to 88.*

Another bill authorizing the Government to subscribe to the stock of the Maysville and Lexington turnpike met with a better fate. It passed both

* *Register of Debates*, vol. vi., pt. i., p. 477; Benton, *Abridgment*, vol. x., p. 583. The report of the committee is in *Niles' Register*, vol. xxxviii., pp. 129–132.

† See *Register*, vol. vi., pt. i., pp. 484–487, 489–492, 494–497, 500–506, 511–530, 537–540, 626; Benton, *Abridgment*, vol. x., pp. 592–598, 601–607, 613–625, 634–635.

‡ See *Register*, vol. vi., pt. i., pp. 637–664 and pt. ii., pp. 665, 668–682, 688–700, 705–718, 723–734, 739–745, 760–774, 776–790; Benton, *Abridgment*, vol. x., pp. 689–695, 699–709, 713–715, 719–726, and vol. xi., pp. 6–21, 38–48.

* McMaster (vol. vi., p. 37) gives the vote as 111 to 78, but this was on the question of adjournment.

the House and Senate,* but was vetoed by the President on May 27, 1830, when he sent a long message to the House setting forth his views on State rights.†

After passing the last-mentioned bill, the House entered into a long sectional wrangle over the tariff. There had been a contest in the House over the reference of that part of the President's message relating to the tariff, but after it had been referred to the Committee on Manufactures, Mr. Mallary, the chairman, on January 5, 1830, reported adversely to any change.‡ It was said that protection had been adopted as the permanent policy of the country and that any attempt to modify the tariff would result in unnecessary business disturbance. The free-traders were not to be balked so easily. On January 25, 1830, the Senate Finance Committee reported a bill reducing duties generally, but this bill was never discussed.|| On February 5 McDuffie reported to the House a bill from the Committee of Ways and Means,§ but after a short debate the bill was rejected by a vote of 107 to 79.* Meanwhile, on January 27, Mallary reported from the Committee on Manufactures a bill the purpose of which was to prevent further fraudulent invoices of imported woolen goods.† Not until April 15, however, was the subject discussed and even then, after Mallary had made an explanatory speech,‡ it went over until the 26th, when McDuffie moved an amendment intended to repeal the tariff laws of 1824 and 1828, so far as they related to wool and woolen goods, iron in bars or plates, hemp, flax, cotton bagging, indigo, molasses and cotton, thus reducing the duties to the rates imposed by the act of 1816.|| Thereupon a tedious and fruitless debate ensued. McDuffie made a fiery speech in support of his amendment, much of what he said about inequality, injustice, oppression, etc., being familiar to the members of Congress. But as he went on with his discourse, he burst forth, time and again, into bitter attacks on the States and the men of the North, in the course of his remarks saying:

"I ask you then, sir, in the name of the Constitution, and of the principles of eternal justice, what right has Congress — what right can any human government possess — to destroy the interest of one entire section of this confederacy, to promote the interest of other sections? What

* *Register of Debates*, vol. vi., pt. i., pp. 433–435, and pt. ii., pp. 820–822, 827–842; Benton, *Abridgment*, vol. x., pp. 567–570, and vol. xi., pp. 61–68.

† Richardson, *Messages and Papers*, vol. ii., pp. 483–493; *Register of Debates*, vol. vi., pt. ii., app., pp. 133–142. See also Dewey, *Financial History*, p. 215; Sumner, *Life of Jackson*, p. 193; *Niles' Register*, vol. xxxviii., p. 269, 271–275, 308–315.

‡ *Niles' Register*, vol. xxxvii., p. 335.

|| *Ibid*, pp. 388–389.

§ *Ibid*, p. 420.

* *Register of Debates*, vol. vi., pt. i., pp. 555–556.

† *Niles' Register*, pp. 402–403.

‡ For which see *Register of Debates*, vol. vi., pt. ii., pp. 795–802; Benton, *Abridgment*, vol. xi., pp. 44–54.

|| *Register of Debates*, pp. 819–820; Stanwood, *Tariff Controversies*, vol. i., pp. 361–362.

right have you — I put the question to the majority of this House in the name of the people of the Southern States — what right have you to lay your hands on our property — upon that which is ours the highest of all earthly titles, * * * and arbitrarily appropriate it to your own use, or to that of your constituents? No freak of tyranny ever committed by an absolute despot can exceed this outrage upon the principles of natural justice, which you are perpetrating under the perverted powers and prostituted forms of a free government.

"The Southern States, actuated by that uncalculating patriotism for which they have always been distinguished, have submitted without a single murmur, to a system of taxation which has drawn from the productions of their industry at least double the amount of their just contribution to the Federal treasury. But, sir, when they find an interested majority, * * * confident in the strength of numbers, openly and boldly avowing the unjust, and, I had almost said, nefarious and piratical purpose of sweeping from the face of the ocean a lawful branch of trade which almost exclusively belongs to the people of these States, it is time for them to rise up in the majesty of their rights and demand, in the name of the principles of eternal justice and of constitutional liberty, 'by what authority do you commit this monstrous outrage?'"*

Blair, of South Carolina, said:

"If South Carolina cannot remain in the confederacy on fair, equitable, and constitutional terms, if, finally, she has no alternative but to adopt such measures as may eventuate in her separation from the great American family, or become a slave, she is disposed to leave you in peace, and she will leave you with best wishes for your happiness and independence."†

Martindale, however, said the charge of base intent imputed by the gentleman from South Carolina was false. He said that if they would prove the injury, secession would be allowed and the State might go in peace, but he denied that the State was oppressed and asserted that there was not the least semblance of truth in the charge.* Thus, day after day, the speeches continued, quite devoid of fresh arguments and novel illustrations. Finally, on May 11, by a vote of 112 to 62, McDuffie's amendment was rejected by the Committee of the Whole,† whereupon Buchanan offered a substitute, prepared by Mallary and the Secretary of the Treasury, which was adopted.‡ Five other amendments were then adopted, one making the duty on manufactured iron the same as upon bar iron and the other granting a drawback (the duty paid in excess of 25 per cent.) on iron imported for use in constructing railroads. The bill was then reported to the House, whereupon McDuffie immediately renewed his amendment in three sections. By a vote of 120 to 68 the first, restoring the 1816 duties on manufactures of wool, was rejected; and the second, restoring the 1816 rates on iron, cotton goods, hemp, flax, molasses, etc., suffered the same fate; but the third, fixing the salt duty at 15 cents a bushel, to be reduced to 10 cents after 1831, was adopted by a vote of 105 to 83.‖

This was a disappointment to the protectionists and in retaliation a motion was introduced to reconsider the

* *Register of Debates*, vol. vi., pt. ii., pp. 852–854.

† *Ibid*, pp. 870–872.

* *Register of Debates*, pp. 945–952.

† *Ibid*, p. 964.

‡ *Niles' Register*, vol. xxxviii., pp. 226–227.

‖ *Register of Debates*, p. 965; Stanwood, *Tariff Controversies*, vol. i., pp. 362–363.

whole subject. Another motion was made to reconsider the reduction of the salt duty, and when the motion had been carried by a vote of 102 to 97, the amendment was rejected by a majority of 4 (102 to 98).* To the bill itself there was little objection and it was passed on May 13 by a vote of 127 to 40, the opposition coming chiefly from the South.† The Senate amended and passed it on May 18 (28 to 14) and on May 28 the President approved it. Save for the provisions relating to iron above-mentioned, it made no change in the tariff and was purely an administrative measure.‡

Nevertheless some noteworthy tariff legislation was made during this session. The duty on tea was reduced 50 per cent. in most cases and in some more than that; and the duty on coffee was reduced from 5 cents to 2 cents, but after 1831 it was to be 1 cent a pound. Cocoa was reduced from 2 cents to 1 cent a pound.|| There was as little opposition to these measures as there was to an act reducing the duty on molasses from 10 cents to 5 cents per gallon, but there was a long wrangle over the attempts to reduce the salt duty. On May 18 the Committee of Ways and Means brought in a bill to reduce the salt duty from 20 cents per bushel of 56 pounds to 15 cents during 1831, and after that to 10 cents. After a motion to reject the bill had been defeated on May 19* by a vote of 103 to 85, the bill was passed on May 27 by a vote of 105 to 83† and sent to the Senate, where in less than 24 hours after its receipt it was passed by a vote of 24 to 15.‡

In the meantime that portion of the President's message relating to the banks had been referred to the Committee of Ways and Means. As already stated, Jackson's movement in this respect had come rather as a surprise, since the charter of the bank still had seven years to run and another application had been made for its renewal. It was difficult to perceive why Congress should act at this time, but, as the President had spoken of it in his message, the supporters of the Administration could not well pass over the subject in silence. Accordingly, on April 13, 1830, the Committee of Ways and Means made an elaborate report through McDuffie, their chairman, taking ground against the President, claiming that the bank had faithfully performed its duties, that it was essential to the management of the National finances, etc.||

* *Register of Debates*, vol. vi., pt. ii., pp. 966–976; Benton, *Abridgment*, vol. xi., pp. 73–87.

† *Register of Debates*, vol. vi., pt. ii., p. 987.

‡ Stanwood, *Tariff Controversies*, vol. i., p. 364; Bishop, *History of Manufactures*, vol. ii., pp. 342–343.

|| For the debate in the Senate, see *Register of Debates*, vol. vi., pt. i., pp. 428–432; Benton, *Abridgment*, vol. x., pp. 561–566; in the House, *Register*, pt. ii., pp. 803–807; for text, *Register*, pt. ii., app., p. xxiii.

* *Register of Debates*, p. 1049.

† *Ibid*, p. 1139.

‡ Stanwood, *Tariff Controversies*, vol. i., pp. 364–365.

|| *Niles' Register*, vol. xxxviii., pp. 183–200; *House Report*, 358; *Register of Debates*, vol. vi., pt. ii., app., pp. 104–133.

Jackson had suggested a Government National Bank, to be furnished with capital from the Treasury, but the report declared that it could hardly furnish a currency without branches; whilst "with branches it would be still more objectionable, as it invested the Federal government with patronage of the most extensive influence, and embracing the control of all the bank accommodations to the standing amount of $50,000,000. Such a control would introduce more corruption in the Government than all the patronage now belonging to it. It was a desperate official experiment without parallel in the history of the world." The points in favor of the expediency of the bank constituted practically a currency argument. The committee stated that the dispute was not between paper and metallic currency, but between a National paper currency and a local paper currency. Under the Constitution, Congress could not forbid the issue of paper money by State banks. Hence the local bank notes would circulate, and it was not worth while to discuss the superior advantage of a specie currency. But, the committee asked, would it not be better to have a staple currency which by virtue of its uniformity of value would prevent local bank-notes from circulating far from the place of issue? The committee was convinced that the United States Bank by its notes did actually furnish such a circulating medium, more satisfactory even than specie. Again, the bank had punctually observed its obligation to transfer free of expense the funds of the Government to any point desired.* On May 10 Potter, of North Carolina, introduced resolutions against paper money and the Bank, and against the renewal of the charter, but these were laid on the table by a vote of 89 to 66.† On May 26 Wayne, of Georgia, introduced resolutions requesting the Secretary of the Treasury to submit a variety of information about the conduct and business of the Bank, but on the 29th these were disagreed to by a vote of 95 to 67.‡ In the Senate, on March 29, Smith, of Maryland, on behalf of the Committee on Finance, submitted a report taking issue with the suggestions of the President and protesting against any change in the currency.|| The matter was then dropped for some time.§

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* Dewey, *Financial History*, pp. 200–201.

† *Register of Debates*, vol. vi., pt. ii., pp. 921–922.

‡ Sumner, *Life of Jackson*, p. 247.

|| *Senate Report*, 104; *Niles' Register*, vol. xxxviii., p. 126; *Register of Debates*, vol. vi., pt. ii., app., pp. 98–104.

§ See also Bolles, *Financial History of the United States*, vol. ii., pp. 317–358; *Memoirs of J. Q. Adams*, vols. viii.–ix., *passim*.

CHAPTER II.

1830–1831.

THE DISPUTE OVER INDIAN TERRITORY IN THE SOUTH.

Complaints of the Indians against Georgia — Secretary Eaton's reply — Attempts of the Cherokee chiefs to prevent removal — Seizure of the Cherokee lands by Georgia, Alabama and Mississippi — Passage of bill by Congress authorizing the removal of the Indians — Seizure of the gold miners — The Supreme Court argument and the case of Corn Tassel — Arrest and imprisonment of the missionaries — Decision of the Superior Court and the subsequent pardon of the missionaries — Final removal of the Indians to the West.

Meanwhile another important problem had come up before the Administration for solution. In 1828 Georgia had extended her laws over the Cherokee lands, and in the last days of Adams' term a delegation from the Cherokee nation arrived in Washington to make an appeal to the outgoing President. In addition to the complaint that Georgia had spread her laws over the Cherokee lands, the Indians contended that the State had decreed all laws and usages in force in the Indian country to be null and void after June 1, 1830, with the result that no Indian or descendant of an Indian could testify in a suit to which a white man was a party unless the latter lived with the Indian tribes. Hence the recent act of Georgia was usurpation of power on her part. It was too late for President Adams to act, and not until Secretary of War Eaton, of the succeeding administration, had been in office a month was the complaint answered. On April 18, 1829, the Secretary replied that the Indians had been suffered to dwell on the land because of compacts between the States and the Indians, but that this was no ground to deny the right of the State to exercise its sovereignty. In 1802, when Georgia assumed her present limits and ceded her Western territory, the title of the Indians to the lands within the boundaries of Georgia was to be extinguished by the United States as soon as it could be peaceably done and on as reasonable terms as possible. Georgia did not ask that the military force of the Union be employed to drive the Indians away, but simply that the soil be acquired by peaceable means. The Indians had tried the patience of Georgia by establishing an independent government without that State's consent, and it therefore became necessary to extend the Georgia laws over the entire country. This she had a right to do without the authority of the National government, for it was well established that the latter would never use force to prevent any State from exercising those powers which belonged to her as a sovereign, and interference between Georgia and the Indians was not

within the range of powers granted by the State to the Federal government. The Secretary said that there was but one remedy — removal beyond the Mississippi. So long as the Indians remained in Georgia, they must yield to her laws, but if they moved as stated, they would come under Government protection. Much the same advice was given to the Creeks, and it was apparent that the Administration would follow a policy of transferring the Indians to the far West, in the meanwhile leaving them under the control of the States in which they dwelt.*

The Cherokee chiefs took steps to prevent their people from moving, even voluntarily, by ordering that those enrolling for migration to Arkansas should be deprived of citizenship and allowed fifteen days in which to quit the territory; that a heavy fine and whipping should be the punishment for any Indian who sold his improvements to an emigrant in order that they might be valued by an agent of the United States; and by ordaining that the death penalty should be inflicted on any who were convicted of entering into a treaty with the United States to sell a part of the National land without the consent of the tribal council.† Governor Forsyth, in his message of November 4, 1828, said the State should no longer delay the extension of her laws over the Cherokee territory.* The legislature responded by seizing the Cherokee country, cutting it into pieces which were annexed to her western counties, and declaring the ordinances of the Cherokees to be null and void; by spreading her own laws over the territory; by forbidding migration and the sale of land under penalty of imprisonment for a long term.† The law was to go into effect on June 1, 1830. In 1829 Alabama and, in 1830, Mississippi followed the example set by Georgia, splitting up the Indian territory within their boundaries and bringing it under their State laws.‡

The Cherokees appealed to the President, public sympathy was aroused in the North and East, and resolutions and petitions were sent to Congress calling for action by that body. A bill was introduced in the Senate on April 6, 1830, authorizing the President to select a tract of land west of the Mississippi, but not within the limits of any State or organized territory, which should be appropriated to the use of such Indian tribes as might be willing to move there, and an appropriation of $500,000 was suggested for carrying these provisions into effect. The opponents of the measure argued that, the purpose of the bill being unjust to the Indians and a stain upon the country's honor,

* *Niles' Register*, vol. xxxvi., pp. 258–259. See also MacDonald, *Jacksonian Democracy*, pp. 170–171.

† *Niles' Register*, vol. xxxvii., p. 94.

* *Ibid*, vol. xxxv., p. 222.

† Law of December 19, 1829; *ibid*, vol. xxxviii., pp. 54–56.

‡ *Ibid*, p. 73; Sumner, *Life of Jackson*, p. 180; Schouler, *United States*, vol. iii., p. 482.

the Government must either resist the imperious demands of Georgia or abandon its treaties and laws. The advocates of the measure claimed that there were scarcely any new and no radical provisions in the bill, for the Indians themselves had begun the migration and the policy had been approved by the Government for many years. Arguments of this nature were passed back and forth until April 24, when the resolution was passed in the Senate by a vote of 28 to 19 and was sent to the House.* That body amended and passed it on May 26 by a vote of 103 to 97.† The Senate concurred in the amendments on May 26,‡ four days later Congress adjourned, and on June 1 the laws of Georgia went into force in the Cherokee country.||

Meanwhile, during the summer of 1829, gold had been discovered in the northeastern part of the State on land owned by the Cherokees. Gold seekers rushed to the region, and by the summer of 1830 it was reported that 3,000 men were digging at the mines.§ Congress had passed an act forbidding anyone to settle or trade in the Indian territory without a license from the National Government, and as the gold seekers were illegally intruding, nine of them were seized by United States authorities and in June of 1830 were brought before Judge A. S. Clayton, of Georgia.* They were promptly discharged and the judge complained to the governor of the action of the Federal authorities.† He accounted it a disgrace that citizens of the State should be guarded by troops and paraded through the streets for no other crime than trading on the soil of their own State, and indignantly asserted that such an exercise of power by the general government within the jurisdiction of the State was, to say the least, humiliating. He therefore urged that the governor request the President to withdraw the Federal troops, and in due time this was done. The duty of driving out the intruders and preserving order in the Indian country now fell upon Georgia, and a special session of the legislature was called to enact laws with that object in view.‡ A law was passed providing that the Cherokee council or legislative body could not meet unless to cede land, nor could a Cherokee judge hold a court under penalty of imprisonment for four years. Any white man found in

* For the debate in the Senate see *Register of Debates*, vol. vi., pt. i., pp. 305, 307, 309–320, 325–339, 343–357, 359–367, 374–377, 380–383; Benton, *Abridgment*, vol. x., pp. 519–526, 532–535, 538–541, 544–546.

† *Register of Debates*, vol. vi., pt. ii., pp. 993–1120, 1122–1136; Benton, *Abridgment*, vol. xi., pp. 94–105.

‡ *Register of Debates*, vol. vi., pt. i., p. 456.

|| McMaster, vol. vi., pp. 42–45. For Governor Gilmer's proclamation see *Niles' Register*, vol. xxxviii., pp. 328–329. For text of bill see *United States Statutes-at-Large*, vol. iv., p. 411.

§ Phillips, *Georgia and State Rights*, p. 72.

* *Niles' Register*, vol. xxxviii., p. 356.

† Regarding this see also Clayton's charge to the grand jury, in *Niles' Register*, xxxix., pp. 99–101.

‡ The proclamation is in *Niles' Register*, vol. xxxix., p. 106.

the Indian country after March 31, 1831, without a license from the State would be subject to the same penalty.*

Meanwhile the Cherokees had retained William Wirt to look after their interests, and were advised that the Georgia law was unconstitutional.† The Cherokees, therefore, requested Wirt to secure from the Supreme Court, if possible, an injunction restraining Georgia from executing the obnoxious laws within their territory. The matter was decided in a rather unexpected manner. An Indian, named Corn Tassel, had killed a fellow Cherokee, was arrested, tried, convicted and sentenced in the superior court of Hall County. A writ was sworn out in the Supreme Court directing the State of Georgia to show cause why the sentence against Corn Tassel should not be corrected.‡ This angered the governor, who declared, when submitting the writ to the legislature, that he would resist any attempt to execute it, saying: "If the judicial powers thus attempted to be exercised by the courts of the United States be submitted to, or sustained, it must eventuate in the utter annihilation of the State governments."‖ The legislature replied that the action of the chief justice was a flagrant violation of Georgia's rights; that they would never compromise the sovereignty of the State by becoming a party to the case, and that the governor should acquaint the sheriff of Hall County with these resolutions, so that the execution of the law would be ensured in the case of Corn Tassel.* This injunction was strictly obeyed, the writ was ignored, and on the appointed day (December 28, 1830) Corn Tassel was hung.†

March 5, 1831, had been set for the hearing of the case — the Cherokee Nation *vs.* Georgia, but the argument was made a week later. Georgia sent no counsel, but the Indians were represented by William Wirt and John Sargeant. The counsel for the Indians filed a supplementary bill citing those acts of Georgia not detailed in their first bill, which were claimed to be contrary to law. They asserted that Georgia had denied the jurisdiction of the Supreme Court in the case of Corn Tassel, had enacted a law for surveying the Cherokee lands, had forbidden white persons to live within the bounds of the Cherokee country, had authorized the governor to take possession of the gold and silver mines in the Indian country, and had commanded him to enforce the laws, which he was now doing. They stated that the Cherokee nation was a foreign nation and competent to sue in

* *Niles' Register*, vol. xxxix., p. 229.

† For Wirt's opinion see *Niles' Register*, vol. xxxix., pp. 81–88.

‡ Von Holst, *Constitutional and Political History*, vol. i., p. 454; Schouler, *United States*, vol. iii., p. 482.

‖ *Niles' Register*, vol. xxxix., p. 338.

* *Niles' Register*, vol. xxxix., p. 338.

† *Ibid*, p. 553; Sumner, *Life of Jackson*, pp. 180–181; McMaster, vol. vi., pp. 46–47. Sumner gives the Indian's name of George Tassel. Von Holst says George Tassells.

the Supreme Court, and that they had made out such a case as would warrant the Court in granting them relief.* The Court, however, took a different view of the matter. Justice Marshall said:

"It may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can with strict courtesy be denominated foreign nations. They may more correctly propose to be denominated domestic, dependent nations. * * * Their relation to the United States resembles that of a ward to his guardian. * * * The court has bestowed its best attention on this occasion, and, after mature deliberation, the majority is of the opinion that the Indian tribe or nation within the United States is not a foreign State in the sense of the Constitution, and cannot maintain an action in the courts of the United States."†

The injunction was therefore refused, and Georgia had the Cherokees completely at her mercy. The act passed by Georgia on December 22, 1830, provided that after March 1, 1831, all white persons living in the Cherokee country must obtain a license and take the oath of allegiance to Georgia‡ or be imprisoned at hard labor for four years. Numbers of persons remained, however, and were promptly arrested by the Georgia troops,‖ but a writ of *habeas corpus* was sued out directing the commander of the Georgia troops to show cause for their arrest and detention. The case was tried in March of 1831 before the Gwinette superior court. Counsel for the defence argued that the law was repugnant to both the National and State constitutions — to the former because no State could pass an *ex post facto* law; because the citizens of each State were entitled to all the privileges and immunities of the citizens of the several States; because without the consent of Congress no State might maintain troops in times of peace; and because the people possessed the right of security in their persons, houses, papers, and effects from unreasonable searches and seizures. The law was contrary to the State constitution, because it required a test oath. The judge overruled each objection, however, and four of the prisoners were held; but two were afterwards discharged because of their being missionaries and one of them also a postmaster, which made them authorized agents of the United States to whom the law did not apply.*

The governor of the State was much incensed by the decision of the judge, but his anger was appeased when the Federal authorities came to his aid by removing the postmaster and by stating that missionaries employed among the Cherokees by the American Board of Foreign Missions were not agents of the United States. In May of 1831, therefore, the two who had been released were ordered to quit the Cherokee country within ten

* For Wirt's argument see *Niles' Register*, vol. xxxix., pp. 81–88, vol. xl., pp. 67–68.

† Peters, *Supreme Court Reports*, vol. v., pp. 1–80. See also *Niles' Register*, vol. xl., pp. 156–157.

‡ Sumner, *Life of Jackson*, p. 181.

‖ *Niles' Register*, vol. xl., pp. 95–96.

* McMaster, vol. vi., p. 49. For the opinion of the court see *Niles' Register*, vol. xl., pp. 244–248.

days. The wife of one, however, was an invalid and it was impossible for him to obey. This not being considered an excuse, he was again arrested and, in company with another prisoner, was confined in jail. Nine others who hastened to their assistance were arrested also, and the trial of the eleven men was heard before Judge Clayton and a jury. Counsel for the defence declared the law unconstitutional, but the judge dissented and bade the jury consider nothing but the guilt or innocence of the prisoners under the law as it existed. Hence the jury could render only a verdict of guilty, and a sentence of four years' imprisonment was imposed.* Having vindicated the majesty of the law, the governor sought to mitigate the severity of the sentence by offering to pardon the eleven men convicted, if they would give assurance never again to violate the law. Nine of the prisoners did so, but two flatly refused and went to the penitentiary. These two then appealed to the United States Supreme Court and once more Georgia was summoned to appear, but she failed to do so. This time, however, the decision was against her, for the Court, in March of 1832, declared her law of December 22, 1830, to be unconstitutional, and the State court was directed to reverse its judgment and free the prisoners.* This the Georgia judge refused to do,† though after a little more than a year of confinement the prisoners were pardoned.‡

The fate of the Cherokees was now sealed. The nation was split in twain by rival factions, those who were willing to migrate being led by John Ringe, while those who determined to stay were led by John Ross. Finally, in 1835, a treaty was made with the Ringe party by which the remaining Cherokee country was ceded, in return for which the Indians received $5,000,000 and a tract of land beyond the Mississippi.|| The Ross faction still refused to go, but in May of 1838, General Scott appeared and directed the Indians to be ready within a month. In December of that year the last of the Cherokees began their march for Indian territory.§

* Sumner, *Life of Jackson*, pp. 181–182; *Niles' Register*, vol. xli., pp. 174–176.

* Von Holst, *Constitutional and Political History*, vol. i., p. 457; *Niles' Register*, vol. xlii., pp. 24, 40–56. For the decision see Peters, *Supreme Court Reports*, vol. vi., pp. 521–579.

† *Niles' Register*, vol. xlii., p. 78.

‡ Sumner, *Life of Jackson*, p. 182; *Niles' Register*, xliv., pp. 359–360.

|| MacDonald, *Jacksonian Democracy*, p. 179.

§ McMaster, vol. vi., pp. 48–51; Sumner, *Life of Jackson*, pp. 182–183.

CHAPTER III.

1830–1832.

NULLIFICATION, THE TARIFF AND THE BANK.

Drayton's and Hayne's nullification speeches — Action of the South Carolina legislature — The attitude of other States — Jackson's message to Congress of December 6, 1830 — Inaction of that body — Judge Peck's impeachment — Jackson's letter on nullification — His message of December 6, 1831 — The tariff of 1832 — Jackson's veto of the bank charter — Failure of Congress to pass the measure.

When Congress adjourned in the summer of 1830 the members departed for their homes to engage in the coming election of representatives for the Twenty-Second Congress. Public dinners were given to candidates or distinguished men at which topics of the hour were discussed in toasts and speeches. The most noteworthy of these dinners was given to Robert Y. Hayne and William Drayton at Charleston. The latter was opposed to the tariff and to internal improvements, but could not be ranked as a nullifier, for he had stated that, with the exception of the tariff, nothing was more to be deplored than the separation of South Carolina from the Union. He said he could see no great difference "between the abrogation of a law of Congress by a State and the withdrawal of that State from the Union."*

"I am not an advocate of passive obedience and non-resistance. * * * A crisis might arise when the bonds of the union ought to be broken. The right of the State to secede from the union, I unqualifiedly concede; but so long as she belongs to it, if she be not bound by its laws, the monstrous anomalies would exist of a government whose acts were not obligatory upon its citizens and of a state constituting one of the members of the union whilst denying the authority of its laws. * * * I would not recommend silence and inactivity amidst the wrongs with which we are afflicted. * * * What can constitutionally be done by the legislature ought to be done by it [but] should the law we complain of remain unrepealed upon our statute book, we should then enquire whether a recurrence to the remedy * * * would not be worse than the malady which it professes to cure. * * * For my own part, I feel no hesitation in avowing that I should regard the separation of South Carolina from the union as incalculably more to be deplored than the existence of the law which we condemn." *

Hayne was troubled by no such scruples. He re-asserted the doctrines expressed by him on the floor of Congress and said that in case of a palpable, deliberate, and dangerous abuse of power by the Federal government contrary to the terms of the compact between the States, the States had the right to interfere to arrest the progress of the evil. It was simply necessary to decide upon the mode of redress to be adopted, if a case arose to justify the application of his principles.†

* Hunt, *Life of Calhoun*, p. 139.

* The entire speech is in *Niles' Register*, vol. xxxviii., pp. 375–376.

† *Ibid*, pp. 376–380.

When the election drew near, the question of the expediency of secession seemed to be uppermost in the discussions by the candidates. The right to quit the Union and the necessity of doing so were much debated by the voters. It was said that if the people of the State would annul the tariff laws and declare the Union dissolved, unless the tariff was repealed before March 1, 1831, or at least reduced to the rates of 1816, the system of robbery and oppression would at once be stopped. There was no question as to her right to secede, and the only question was whether the oppressions heaped upon her were sufficient to justify such a step.* A meeting of citizens at Columbia urged that a State convention be held to take the matter under consideration.†

It required a two-thirds vote in each branch of the legislature to call a convention. At the election the nullifiers sent 11 out of 16 candidates to the legislature,‡ but before the legislature met, it was decided to force Jackson to take his stand upon one side or the other. Joel R. Poinsett undertook to persuade the President to declare himself and prepared two letters with this object in view. One of these was sent on October 23, 1830, directly to the President, while the other was sent to a gentleman in Baltimore, who, as requested, sent it to another friend, who forwarded it to Jackson as a "copy of a letter from a gentleman in Charleston." On the 26th, Jackson, in answering these letters, said that he supposed everyone knew that he was opposed to nullification, and that his toast at the Jefferson dinner was sufficient evidence of this fact. Poinsett and his friends therefore awaited the approaching session of the legislature with many misgivings. The nullifiers began the attack by refusing to reëlect William Smith to the United States Senate, because he had opposed the calling of the convention.* The State Senate Committee on Federal Relations reported a bill stating that the Federal Government had assumed and exercised powers not granted by the Constitution; that the legislature of the State had several times declared these laws to be an infringement on the rights of the States; and that it was the duty of the people to assemble in the State convention to determine upon the best manner of redress. The corresponding committee of the House found that the tariff acts were highly dangerous and oppressive violations of the Constitutional compact, and as no further redress of grievances could be expected, the people should assemble to deliberate on these matters. In the Senate, however, the anti-nullifiers succeeded in defeating the bill calling for the convention,† but a set of resolutions, com-

* *Niles' Register*, vol. xxxviii., p. 387.
† *Ibid*, vol. xxxix., pp. 3, 98.
‡ *Ibid*, p. 138.

* *Niles' Register*, pp. 233, 243–248, 250.
† Jervey, *Robert Y. Hayne and His Times*, pp. 284–285.

piled from the Kentucky Resolutions of 1798, was then taken up, passed, and sent to the House, which likewise passed them.* Meanwhile the people began to make themselves heard. At Georgetown, South Carolina, the opinion was expressed that further forbearance might imply submission and that a bold front should be displayed toward the Federal Government.† On the other hand, the anti-nullifiers of Charleston said that the attempt to call a convention was the first movement in the general campaign toward nullifying the tariff laws, and that the nullification of a law of the United States by a single State was a revolutionary act.‡ The Georgia Assembly, though expressing its opposition to disunion, stated that the tariff of 1828 was unjust to the South and ought to be modified,‖ and the South Carolina House late in December of 1830 adopted a similar resolution.§ The governor of Alabama urged the legislature to add nothing to the present excitement, but to appeal to Congress to redress their wrongs.¶

On December 6, 1830, the second session of the Twenty-first Congress convened, President Jackson sending his message the next day.* He reviewed the foreign relations at length, gave elaborate reasons for vetoing the lighthouse bill and the appropriation for the Louisville and Portland Canal, made an appeal for a law providing for the distribution of the surplus revenue when the National debt was extinguished, called attention also to the necessity of amending the Constitution in relation to the election of the President and Vice-President, urged that the tenure of office be limited to one term, made an attack on the bank and called for the revision of the tariff. He said that the effects of the existing law were doubtless overrated, both in its evils and its advantages. Regarding the bank, he spoke as follows:

"It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposites, without power to make loans or purchase property, which shall remit the funds of the Government, and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers,

* Houston, *Nullification in South Carolina*, p. 98; *Niles' Register*, vol. xxxix., p. 330.

† *Niles' Register*, vol. xxxix., p. 330.

‡ *Ibid.*

‖ *Ibid*, p. 340.

§ *Ibid*, pp. 423–424.

¶ McMaster, vol vi., pp. 55–56; Sumner, *Life of Jackson*, p. 218. Clay did not believe there was any reason to apprehend "the execution of these empty threats. The good sense, the patriotism, and the high character of the people of South Carolina are sure guarantee for repressing without aid any disorders, should any be attempted within her limits. * * * Rebuked by public opinion — a sufficient corrective — and condemned by their own sober reflections, the treasonable purpose will be relinquished, if it were ever seriously contemplated by any." — Colton, *Private Correspondence of Henry Clay*, vol. v., p. 360 *et seq.* See also Clay, *Life of Clay*, pp. 182–183.

* For the entire text see Richardson, *Messages and Papers*, vol. ii., 500–529; *Niles' Register*, vol. xxxix., pp. 253–262; *Register of Debates*, vol. vii., app., pp. ii–xiii; Benton, *Abridgment*, vol. xi., pp. 109–122.

it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests, of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the Bank of the United States, though issuing no paper, would check the issues of the State banks by taking their notes in deposite, and for exchange, only so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions."*

The measures suggested by the President as being of utmost importance found little favor in Congress. A bill reducing the duty on certain articles was introduced by the Committee on Ways and Means, but was refused consideration,† and a like fate met other bills instructing the same committee to inquire into the expediency of removing the duty on imported sugar‡ and instructing the committee to report a bill reducing duties on imports to a revenue basis when the national debt was extinguished.‖ A joint resolution was introduced on December 29 to amend the Constitution regarding the ineligibility of the President for a second term, but it was tabled and never heard of more.* On February 2, 1831, when Benton asked permission to introduce a resolution to the effect that the charter of the bank should not be renewed, the Senate refused without debate, the vote being 20 to 23.†

Jackson's supporters next turned their attention to what they considered an engine of oppression — the Federal judiciary. A motion was introduced in the House to instruct the Committee on the Judiciary to inquire into the expediency of amending the Constitution so that judges of the Supreme and lower courts should hold their offices for a term of years, but this motion was refused consideration by a large majority. On January 24, however, the committee introduced a bill to repeal the twenty-fifth section of the Judiciary Act of September 4, 1789, which provided that certain cases might be taken on appeal from the State courts to the Supreme Court by writ of error.‡ This subject received considerable attention from the State-righters, but finally on January 29, 1831, the bill was rejected by a vote of 138 to 59.‖

Another expression of the feeling

* Richardson, *Messages and Papers*, vol. ii., pp. 528–529; *Senate Journal*, 21st Congress, 2d session, pp. 30–31.

† The reports of the committees on manufactures are in *Niles' Register*, vol. xxxix., pp. 396–400, 408–412; *Register of Debates*, vol. vii., app., pp. lxii–lxvii.

‡ *Register of Debates*, vol. vii., p. 355, and app., p. lxxii.

‖ *Ibid*, p. 450.

* *Register of Debates*, vol. vii., pp. 23, 379.

† *Ibid*, vol. vii., pp. 46–78; Benton, *Abridgment*, vol xi., pp. 143–162, and *Thirty Years' View*, vol. i., chap. lvi.

‡ *Register of Debates*, vol. vii., p. 531; for the reports see *ibid*, app., pp. lxxvii–lxxxvi, and *Niles' Register*, vol. xxxix., pp. 412–421.

‖ McMaster, vol. vi., pp. 58–61; Sumner, *Life of Jackson*, p. 173. For the debate see *Register of Debates*, vol. vii., pp. 532–535, 542; Benton, *Abridgment*, vol. xi., pp. 300–302, 304.

of jealousy and distrust of the judiciary was the impeachment of Judge Peck, of Missouri. In 1826 Judge Peck published in a newspaper a decision which he had rendered. Lawless, counsel for the defeated party, published a review of this decision, whereupon Peck imprisoned him for a day, and, under a charge of contempt, suspended him for 18 months from practising in the court. Lawless petitioned the Federal House of Representatives during three sessions for redress, but in vain. In 1829, however, when the House became Democratic, Peck was impeached, Buchanan having charge of the proceedings. On January 31, 1831, when the vote was taken, Peck was acquitted by a vote of 22 to 21. The opinion has been expressed that Jackson favored acquittal lest Buchanan gain political prestige by a conviction. This failure resulted in the passage of an act March 2, 1831, limiting the power of the courts to punish at discretion for contempt to cases of misbehavior in court, or so near to the courts as to obstruct the administration of justice.*

The President's message and the proceedings in Congress were most disheartening to the State-rights party. In a letter to the *Southern Times* dated March 16, 1831, a nullifier said that Jackson's message exhibited little desire on his part to aid the South and the proceedings of Congress had also furnished abundant testimony that no reliance could be placed on the justice of that body. Hence the time had arrived when all parties in the State should unite in defence of their rights.* Dinners to public men were frequently given and the principal speeches were sent broadcast. On April 3, 1831, Senators Hayne and Miller gave a dinner to Governor Hamilton at Columbia at which toasts were drunk to the "detestable" tariff, State rights, unauthorized taxation, etc.† A month later, at a dinner at Charleston, McDuffie spoke for three hours on the tariff. He said, among other things: "Those who dare not openly vindicate tyranny and justify oppression, exclaim in the most pathetic agonies, The Union! The Union! The Union is in danger! The Union, such as the majority have made it, is a foul monster, which those who worship, after seeing its deformity, are worthy of its chains."

Some of the Unionists of the State or "submission men" as they were called, decided to celebrate July 4‡ and invited Jackson to be present, but being unable to attend, he sent a letter on June 14 which left no doubt

* Sumner, *Life of Jackson*, pp. 173–174; for the proceedings see *Niles' Register*, vol. xxxviii., pp. 245–246, and vol. xxxix., pp. 403–404; and the index to the *Register of Debates*, vols. vi.–vii.; Benton, *Abridgment*, vols. x.–xi., under Peck.

* *Niles' Register*, vol. xl., pp. 104–106.

† *Ibid*, pp. 49, 190–191.

‡ On the preparations see Capers, *Life and Times of Memminger*, pp. 37–44.

as to which side of the controversy he supported. Jackson said:

"Every enlightened citizen must know that a separation, could it be affected, would begin with civil discord, and end in colonial dependence on a foreign power and obliteration from the list of nations. But he should also see that high and sacred duties, which must and will at all hazards, be performed, present an insurmountable barrier to the success of any plan of disorganization, by whatever patriotic name it may be decorated, or whatever high feelings may be arrayed for its support." *

This letter was published the next day in the city newspapers and kindled the wrath of the nullifiers, who considered that he had affronted the State and insulted her citizens. When the legislature met in December, therefore, the governor commented upon the letter in his message, and the committees of the Senate and House made long reports, both characterizing it as an unwarranted interference in the affairs of the State, its principles as repugnant to the Constitution, and the threat it contained as a dangerous precedent.† Outside the State, however, such opinions found little support. The governor of North Carolina, in his message of November 22, 1831, said that the time had not yet come to accept doctrines tending to weaken our whole system of government.‡ In his inaugural speech the governor of Alabama declared the Constitution did not authorize the power contended for. The Tennessee legislature called on the Senators and Representatives to secure a revision of the tariff so that it would be merely a revenue producer after the National debt had been paid.* The governor of Virginia denounced the passage of unconstitutional acts, inveighed against the disregard of State rights, and claimed for the States the right to interpose to arrest unconstitutional legislation.†

Though outwardly the States of the South preserved an appearance of calm and serenity, a spirit of unrest prevailed and gradually became more widespread as the people began to scrutinize some acts passed during the first session of the Twenty-second Congress, which assembled in December of 1831. These acts were concerned chiefly with the tariff and the United States Bank.

President Jackson's message of December 6, 1831,‡ was occupied largely with an account of current foreign affairs. He referred also to the removal of the Chickasaws and Choctaws by which the whole of Mississippi and the western part of Alabama would be freed from Indian

* Parton, *Life of Jackson*, vol. iii., pp. 370–371; *Niles' Register*, vol. xl., p. 351; Houston, *Nullification in South Carolina*, pp. 101–102.

† Houston, *Nullification in South Carolina*, pp. 103–104. See also Ames, *State Documents on Federal Relations*, vol. iv., p. 35 *et seq.*; *Niles' Register*, vol. xli., pp. 334–335, 352.

‡ *Niles' Register*, vol. xli., pp. 312–313.

* *Niles' Register*, p. 253.

† McMaster, vol. vi., p. 68.

‡ For which see Richardson, *Messages and Papers*, vol. ii., pp. 544–558; *Register of Debates*, vol. viii., pt. iii., app., pp. 1–6; Benton, *Abridgment*, vol. xi., pp. 347–354; *Niles' Register*, vol. xli, pp. 276–279.

occupancy; stated that the estimated revenues were $27,700,000 and the total estimate of the expenditures $14,700,000; said that more than $16,500,000 had been paid on account of the National debt and that during the three years between March 4, 1829, and January 1, 1832, nearly $40,000,000 had been applied to the reduction of the debt, which was certainly a cause for congratulation.* As the day when the debt would be entirely extinguished was near at hand, Jackson recommended that the tariff be modified so as to do fuller justice to both merchant and manufacturer. After a few minor recommendations, the message closed with a short passage regarding the bank. In the light of his former messages respecting this institution, Congress heard the President's mild remarks with great surprise. He said that in former messages he had expressed his opinions regarding the bank from a sense of duty; that the attention of Congress and the people might be aroused and the matter disposed of in the manner best calculated to promote the interests of the public. Having performed this duty, he was content to leave the matter in the hands of the representatives of the people.†

Shortly after the message was received came the report of Secretary McLane, in which that official declared the bank to be constitutional, necessary, and entitled to a strong claim on the consideration of Congress in any future legislation.* McLane and Biddle had agreed that the bank should not petition for a new charter until after election, but several things had conspired to drive Biddle from this position. Despite McLane's warning, Biddle notified McDuffie early in January of 1832 that the application would be made and within a day or so the petition was forwarded to Dallas. On January 9, 1832, this memorial was presented in the Senate by Dallas † and referred to a select committee for consideration, but nothing more was heard of the matter for a month as the tariff issue then claimed all that body's attention.‡

South Carolina's threat of nullification, the fact that the day was near at hand when the debt would be extinguished and a surplus begin to accumulate, and the appearance of resolutions calling for a tariff revision,‖ all these left no doubt that before the session ended something must be done in regard to this matter. In order to secure uniform action in both Houses, Clay assembled such Senators and

* For complete text of the Treasury report see *Niles' Register*, vol. xli., pp. 286–294.

† Richardson, *Messages and Papers*, vol. ii., p. 558; *Senate Journal*, 22d Congress, 1st session, p. 17.

* *House Ex. Doc.* 3, 22d Congress, 1st session.

† *Register of Debates*, vol. viii., pt. i., pp. 53–54; Benton, *Abridgment*, vol. xi., pp. 357–358.

‡ Sumner, *Life of Jackson*, p. 259; White, *Money and Banking*, p. 294; Buell, *History of Andrew Jackson*, vol. ii., pp. 258–259; Schouler, *United States*, vol. iv., pp. 46–48; Parton, *Life of Jackson*, vol. iii., p. 396.

‖ *Register of Debates*, vol. viii., pt. ii., p. 1619.

Representatives as he knew to be friendly to protection.* He said he realized that the revenue must be cut down, but declared that the American System must not suffer in the process, nor should the protective duties be touched. Rather would he take off the duties entirely on such articles as did not compete with American products. When told that this would amount to defiance to the South, the President, and the Democratic party, he replied that "to preserve, maintain, and strengthen the American System he would defy the South, the President, and the devil."† Therefore, on January 9, 1832, he introduced a resolution providing that all existing duties on articles imported from foreign countries and not competing with similar articles of American manufacture ought to be abolished, save the duties on wines and silks, which ought to be reduced.‡ He moved that the Committee on Finance be instructed to report a bill accordingly.‖ Hayne and Clay both spoke very forcibly on the matter before the resolution was sent to the Committee on Manufactures, and one of Clay's speeches served as the storehouse of protectionists' arguments for many years to come.* Hayne led the opposition and proposed the following as a substitute for Clay's resolution:

"That the existing duties upon articles imported from foreign countries should be so reduced that the amount of the public revenue shall be sufficient to defray the expenses of the government according to their present scale after the payment of the public debt; and that, allowing a reasonable time for the gradual reduction of the present high duties on the articles coming into competition with similar articles made or produced in the United States, the duties be ultimately equalized so that the duty on an article shall, as compared with the value of that article, vary materially from the general average." †

Hayne made a speech of great length respecting this resolution‡ and was followed by several Senators, for and against Clay's plan.‖ Finally, on March 19, Hayne's resolution was rejected by a vote of 23 to 18; but the debate was renewed two days later and continued fitfully until June 29, when the House tariff bill was presented for concurrence.§ Nevertheless Clay's resolution, overloaded with extraneous matters, was refer-

* Schurz, *Life of Clay*, vol. i., p. 359.

† Clay, *Life of Clay*, p. 103; McMaster, vol. vi., p. 135; *Diary of J. Q. Adams*, vol. viii., p. 447; McCulloch, *Men and Measures of Half a Century*, p. 506.

‡ Bishop, *History of Manufactures*, vol. ii., p. 365; Schurz, *Life of Clay*, vol. i., p. 360.

‖ *Register of Debates*, vol. viii., pt. i., p. 55; Stanwood, *Tariff Controversies*, vol. i., p. 370.

* Clay, *Life of Clay*, p. 193; Peck, *The Jacksonian Epoch*, p. 161. For a resumé see Schurz, *Life of Clay*, vol. i., p. 360 *et seq.*; *Niles' Register*, vol. xli., pp. 385–390 and vol. xlii., pp. 2–16; *Register of Debates*, vol. viii., pt. 1, pp. 66–77.

† *Register of Debates*, vol. viii., pt. 1., pp. 77–104; *Niles' Register*, vol. xli., p. 396.

‡ Jervey, *Robert Y. Hayne and His Times*, pp. 304–311; *Niles' Register*, pp. 396–408.

‖ See *Register of Debates*, vol. viii., pt. 1, pp. 155–180, 186–221, 227–328, 335–367, 377–390, 393–412, 416–486, 490–502, 559–591; Benton, *Abridgment*, vol. xi., pp. 382–388, 391–394, 398–412, 418–425.

§ See *Register*, vol. viii., pt. i., pp. 594–638, 647–678, 1154; Benton, *Abridgment*, vol. xi., pp. 426–436.

red to the Committee on Manufactures, whence soon came two tariff bills intended to be mutually supplementary, but which did not reach a vote.*

Meanwhile the subject of the tariff, under separate designations, had been referred in the House to the two rival committees — the Committee on Manufactures and that on Ways and Means.† On January 19, 1832, at the request of the Committee on Manufactures, the House called upon the Secretary of the Treasury for information concerning the tariff and for suggestions as to the best manner of adjusting it.‡ Meanwhile, on January 16, 1832, McDuffie reported a similar resolution from the Committee of Ways and Means; but, without waiting for Secretary McLane to send his suggestions, he presented the bill from the same committee on February 8.|| This bill called for an immediate reduction of duties of every sort (save those on iron, steel, hemp, flax, cotton bagging, salt and sugar, and everything made of cotton, wool, and iron) to a uniform basis of 25 per cent. *ad valorem.* On the articles mentioned, the duties were to be reduced gradually to 20 per cent. *ad valorem,* to 18¾ per cent. on June 30, 1833, and to 12½ per cent. on June 30, 1834.*

Then occurred an incident of no little significance. Among the new members of the House was John Quincy Adams, who, in the arrangement of committees, had been placed at the head of that on manufactures. In the course of the meetings of this committee, Adams spoke quite strongly against Clay's tariff resolution, believing the tariff oppressive to the South and that a great reduction in the rates was due to the people of that section. This greatly pleased the Democratic members, and the less extreme among them expressed a hope that the committee would report a bill the Southern members could support. Meanwhile Adams had been appointed on the committee to investigate the affairs of the Bank, and on March 16 made a speech in the House resigning his position on the Committee on Manufactures. Immediately member after member arose to protest, and finally the request that he reconsider his action became so urgent that his resignation from the committee was withdrawn and he continued at its head.† Adams set to work and, while he labored, the report and bill of the Secretary of the Treas-

* Stanwood, *Tariff Controversies,* vol. i., pp. 372–373; Thompson, *History of Protective Tariff Laws,* chaps. xxiv.–xxv.; *Niles' Register,* vol. xlii., pp. 204–205.

† *Register of Debates,* vol. viii., pt. ii., pp. 1538–1542, 1546–1561, 1568–1571.

‡ *Ibid,* pp. 1585–1587.

|| *Niles' Register,* vol. xlii., pp. 134–147; *Register of Debates,* vol. viii., pt. ii., p. 1763.

* McMaster, vol. vi., pp. 135–136; Stanwood, *Tariff Controversies,* vol. i., p. 374; Thompson, *History of Protective Tariff Laws,* pp. 248–253.

† Quincy, *Memoir of John Quincy Adams,* pp. 200–201; McMaster, vol. vi., pp. 136–137; *Niles' Register,* vol. xlii., pp. 86–88. For the debate see *Register of Debates,* vol. viii., pt. ii., pp. 2175–2182.

ury, dated April 27, 1832, were presented to the House.* The Secretary proposed that after March 3, 1833, the act of 1828 become null and void and that the revenue to be raised be limited to the actual expenditures necessary to operate the Government. As $15,000,000 were considered ample to meet such requirements and as the sale of public lands would produce $3,000,000, the Secretary proposed to reduce the duties so that they would yield only $12,000,000 and to arrange the rates so as to afford adequate protection to all the interests involved.†

The Committee on Manufactures took the Secretary's bill under consideration, made a number of changes, and on May 23 reported a bill which subsequently became known as the Adams Bill.‡ The report accompanying the bill gives a remarkable exposition of Adams' views.‖ He made several statements that were objectionable to both sides and said there was no reason why the interests of the planters and manufacturers should be irreconcilable, then drawing a picture of the consequences of dissolution of the tie between the States. It would result in war, in which case the committee suggested:

"To those who deny the power of this confederate government to protect by the energy and resources of the whole nation a great and comprehensive but not universal interest, that there is an interest most deeply their own protected by the Constitution and laws of the United States, and effectively protected by them above. Among the consequences from which a statesman of either portion of this Union cannot avert his eyes in contemplating that which must ensue from its reverence, is the condition in which that great interest would be found immediately after the separation should have been consummated."

On May 28 McDuffie called up his bill and made a long speech in favor of it.* He said, among many other things:

"It can no longer be disguised that these dues exist, under the unjust and oppressive legislation of Congress, and without any agency of Providence to that effect, a radical hostility of interests between the two great subdivisions of this confederacy, and if the power of the majority, and not their sense of justice, is to decide the present controversy, it will be impossible now to reconcile these conflicting interests, such being the case, God only knows what is to be the end of this great political drama. One thing is certain; an eventful eve is at hand, and whether it shall be signalised by the civil triumph, or by the catastrophe of constitutional liberty, history will record that triumph or that catastrophe, and posterity will pronounce judgment on the authors of it. * * *

"But the great and radical objection to the protecting system is not that it is unequal in its operation, or even that it is unconstitutional but that, by throwing the great pecuniary interests of the manufacturing and planting states into direct and irreconcilable hostility, it entirely destroys the security which the representative principle was designed to provide, and converts a majority of Congress into an irresponsible despotism, not only as it regards the power

* See *Niles' Register*, vol. xlii., pp. 188–192. For a comparison with the old tariff see *ibid*, pp. 211–217.

† Bishop, *History of Manufactures*, vol. ii., p. 366.

‡ *Register of Debates*, vol. viii., pt. iii., p. 3090.

‖ It will be found in *Register of Debates*, vol. viii., pt. iii., app., pp. 79–92; *Niles' Register*, vol. xlii., pp. 231–234, 244–257. See also *Reports of Committees*, 22d Congress, 1st session, vol. v., p. 481; Quincy, *Memoir of John Quincy Adams*, p. 202 *et seq.*

* See *The South in the Building of the Nation*, vol. ix., pp. 287–302; *Register of Debates*, vol. viii., pt. iii., pp. 3120–3170; Benton, *Abridgment*, vol. xi., pp. 696–700.

of taxation itself, but as it regards all the interests that can be directly or indirectly affected by it. * * * If our present revenue were raised by a law which made every citizen of the Union contribute in exact proportion to his income, I should feel that the power of taxing the property of my constituents might be safely intrusted to the representatives of any other State, because the very same burden which they impose upon my constituents they would necessarily impose upon their own. The responsibility of the representative body in this case, not only to a majority of the Union but to every part of it, however small, would be as perfect as human wisdom could make it. But under our existing system of revenue, embracing indirect taxation with indirect bounties, the whole of this is entirely reversed, so that the principle of responsibility itself is perverted into a principle of absolute despotism. The representatives who impose the taxes are not only destitute of all responsibility, direct or indirect, to the minority who pay them, but, what is infinitely worse, they are responsible to the majority who receive the bounties. Taxation and representation are no longer coincident and proportionate; on the contrary, the interest which imposes taxes is brought into direct conflict with that which pays them. * * *.

"I now stand up before you, sir, as a witness, and I give testimony in the presence of this assembly, and in the presence of that God to whom we are all responsible, that I conscientiously believe that if this question be not adjusted during this session, South Carolina will not submit to tariff five months from the day of our adjournment. * * *. Owing to the peculiar circumstance in which she has been placed, and not because she claims to have more intelligence or patriotism than the other Southern states, it has been the lot of South Carolina to be in the van of this great struggle for constitutional liberty. Virginia and North Carolina, in proportion to their population, furnish a comparatively small amount of the exports upon which the protecting system directly operates. Georgia has been engrossed in maintaining her right in another contest with this government: and the people of the new states of the Southwest, cultivating a fresh and fertile soil, recently acquired at the minimum price, can as well afford to make cotton at six or eight cents a pound as those of South Carolina can at ten. They can sustain this oppressive system with comparatively little suffering when the older planting states will be comparatively ruined. But they have too much sagacity not to see that when the tide of ruin shall have swept away the states which stand first in the march of the oppressor they are destined to be the next victims.

"South Carolina, then, is fighting the common battle of all the Southern states. She threw herself into the breach as a forlorn hope, when all the auspices were against her; and, whatever may be the result of the contest, I cannot but regard her destiny as a happy and glorious one."

On June 1, after the speeches had been made,* the House by a vote of 81 to 41 laid aside McDuffie's bill and took the Adams Bill under consideration.† On June 5 Andrew Stewart, of Pennsylvania, offered a substitute for the latter based on the Clay resolution in the Senate and made a fierce attack on the Adams Bill.‡ The next day Adams explained at length the difference between the two bills,‖ but failed to convince any but the moderate men that his was a fair compromise measure. A few amendments were adopted. To the *ad valorem* rate on glassware was added a specific duty, because Adams saw that, under the duty fixed by the bill, this industry would be destroyed. The rates on copper manufactures, carriages, cabinet wares, hats and caps, wafers, black-lead pencils and other articles were augmented; but a proposition to cut in half the duty on salt, accepted in Committee of the Whole,

* For which see *Register of Debates*, vol. viii., pt. iii., pp. 3170–3235; Benton, *Abridgment*, vol. xi., pp. 701–705.

† *Register*, p. 3242.

‡ *Ibid*, pp. 3268–3286.

‖ *Ibid*, pp. 2290–3293.

was rejected by the House. The woolen men had been unsuccessful in their attempt to obtain amendments and at last they concentrated their efforts to save the manufacture of satinets from destruction. On all woolen goods valued at less than 40 cents per square yard a rate of 5 per cent. was imposed by the bill, but, after several attempts to amend this had been defeated, Adams proposed to reduce the limit from 40 to 35 cents, warning the members that upon the result of the vote depended the passage of the bill. Accordingly the protectionists rallied and the amendment was adopted on June 25 by a vote of 102 to 85.* On June 28 the bill finally passed the House by a vote of 132 to 65.† The Senate referred the bill to the Committee on Manufactures by which it was reported back on July 2 with amendments.‡ There was no general debate on the bill and most of the amendments were adopted by narrow margins, the general result being in favor of the protectionists.‖ The House agreed to some of the Senate amendments§ and after a confer-

* *Register*, pp. 3293–3318, 3326–3340, 3348–3388, 3397–3399, 3421–3453, 3456–3505, 3511–3599, 3608–3694, 3703–3782; Benton, *Abridgment*, vol. xi., pp. 713–735.

† Stanwood, *Tariff Controversies*, vol. i., pp. 377–381; McMaster, vol. vi., pp. 137–138; *Register*, pp. 3783–3831; Benton, pp. 741–744.

‡ *Register*, vol. viii., pt. i., pp. 1154–1155, 1161.

‖ *Ibid.*, pp. 1174–1180, 1185–1219; Benton, vol. xi., pp. 510–512.

§ *Register*, pp. 3887, 3891–3895.

ence the Senate receded from th others.* The bill was passed by vote of 32 to 16 and was signed by th President on July 14, 1832.†

The changes were numerous an important. Under the act of 182 there were 49 articles free of dut but in the new act there were 18 Wool valued at less than 8 cents pound was admitted duty free, but o other wool the duty was 4 cents pound and 40 per cent. *ad valoren* The *ad valorem* duty on the cheape woolen goods (those valued at 3 cents per square yard) was reduce to 5 per cent.; on other woolen goo the duty was raised from 40 and 4 to 50 per cent. On the other han the rate on worsted stuffs was r duced from 25 to 10 per cent.; t duty on unmanufactured hemp wa reduced 33⅓ per cent. — from $60 $40 per ton; brown sugar was r duced from 3 to 2½ cents per poun and iron was reduced somewhat pig iron from 62½ to 50 cents p hundredweight and on some varieti of wrought iron from 3½ to 3 cen per pound. Glass was left practical the same and cotton goods still pa 25 per cent. As an offset to the r ductions, however, the value of t pound sterling, in estimating the co

* *Register*, pp. 1274–1293.

† *United States Statutes-at-Large*, vol. pp. 583–594; *Register of Debates*, vol. viii., iii., app., pp. xli-xlv. *Niles' Register* vol. xl pp. 340–343; Stanwood, *Tariff Controversies*, v i., pp. 382–383; O. L. Elliott, *The Tariff Co troversy*, pp. 258–262.

of imported goods, was raised to $4.80, thus increasing the actual rate of duty. On the other hand, the old 10 per cent. additional above invoice price was abolished. The act was to go into effect on March 4, 1833.*

While Congress was discussing the tariff, Biddle was busy on the affairs of the Bank. The friends of that institution had persuaded the Pennsylvania legislature to pass a resolution instructing the Senators and requesting the Representatives of that state to vote for the re-charter.† Dallas was urged to take this resolution to Jackson, tell him not to disregard the voice of Pennsylvania, and offer to accept any bill he would approve. Livingston was asked to assure Jackson that if he would draw the charter with his own hand, the Bank would accept it. Everything seemed to be running smoothly when the enemies of the bank in Congress suddenly demanded an investigation of its affairs. The report of the majority of the committee appointed for this purpose was against the Bank, and from the time Jackson read this report he became the bank's most implacable foe. Biddle ought to have withdrawn his memorial and courted a searching examination; but, in spite of the warning of the members of the Cabinet, he persisted in pushing his memorial and, on March 13, a select committee of the Senate to which the memorial had been sent reported a bill to re-charter the Bank for fifteen years after the day its first charter expired (March 3, 1836).* Several changes in the old charter were suggested and a bonus of $500,000, payable in three annual instalments, was demanded. On June 11, after a hot debate lasting three weeks, the bill was passed without many alterations by a vote of 28 to 20.† The bill was then sent to the House, where it was taken under consideration on June 30. Meanwhile on January 9 a petition for a re-charter had been presented in the House and referred to the Committee of Ways and Means.‡ On February 10 McDuffie reported a measure to renew and modify the charter.‖ On February 23 Clayton, of Georgia, at the instigation of Benton,§ moved that a select committee be appointed to examine the affairs of the Bank.¶ This motion was debated until March 14, when, with an amendment offered by

* Stanwood, *Tariff Controversies*, vol. i., pp. 383–385; Taussig, *Tariff History*, pp. 103–105.

† *Niles' Register*, vol. xlii., p. 274.

* *Register of Debates*, vol. viii., pt. i., p. 530.

† For Benton's remarks on this subject see his *Thirty Years' View*, vol. i., pp. 158–159, 187, 205, 220, 265. For Webster's speeches of May 25 and 28, see his *Works* (ed. 1857), vol. iii., pp. 391–415. See also Roosevelt, *Life of Benton*, pp. 124–127. For the entire debate see *Register of Debates*, vol. viii., pt. i., pp. 943–1073; Benton, *Abridgment*, vol. xi., pp. 459–488.

‡ *Register of Debates*, vol. viii., pt. ii., pp. 1502–1529.

‖ *Ibid*, pp. 1780–1781 and app., pp. 127–128.

§ Schouler, *United States*, vol. iv., p. 51.

¶ *Register of Debates*, p. 1846.

Adams, it was passed.* On April 30 Clayton made a majority report to the effect "that the bank ought not to be re-chartered until the debt was all paid and the revenue adjusted."† Minority reports were made by McDuffie and Watmough favoring immediate re-charter, and by Adams defending the bank against all charges.‡ When the Senate bill came down the discussion was reopened. McDuffie proposed an amendment to the effect that the provision limiting the number of branches in the several States should not interfere with the existing branches. Other amendments were proposed and a short but sharp contest ensued, ending in the adoption of McDuffie's amendment in which the Senate concurred and the rejection of all the others.‖ The bill was finally passed on July 3 by a vote of 107 to 85§ and the following day, after the Senate had concurred in the amendments, it was sent to the President.* Congress had intended to adjourn on July 9, but when that day came the session was extended to the 16th, at Clay's suggestion, in order that more than ten days (exclusive of Sunday) might intervene between the receipt of the bill by Jackson and the end of the session, for Clay was determined that the bill should not go over to the next session, but should be signed, vetoed, or become law without the President's signature.†

Jackson was ready to meet the question, and on the 10th returned the bill to the Senate with his veto, a message of great length which had much the appearance of a campaign document and has been described as "beneath contempt."‡ He went into the question very fully, denounced the bank as a monopoly, unauthorized by the Constitution, subversive of State rights, dangerous to the liberties of the people, exercising despotic sway over the business of the country, and controlled by persons who were described as "a favored class," "opulent citizens," etc. He said that while distinctions must continue under any government, the law must not add artificial distinctions to natural advantages. There naturally were necessary evils in government, but

* *Register of Debates*, pp. 1874–1917, 1943–1996, 2036–2163; Benton, *Abridgment*, vol. xi., pp. 604–638. The committee consisted of Clayton, chairman; Richard M. Johnson, Francis Thomas, C. C. Cambreleng, George McDuffie, John Quincy Adams, and Mr. Watmough.

† See *House Report* 460, 22d Congress, 1st session. See also Dewey, *Financial History*, pp. 202–203; *Register of Debates*, vol. viii., pt. ii., p. 2651 *et seq.* and pt. iii., app., pp. 33–46; Sumner (*Life of Jackson*, p. 260 *et seq.*) gives a resumé of the charges against the bank.

‡ Schouler, *United States*, vol. iv., p. 51; *Register of Debates*, vol. viii., pt. iii., pp. 2940, 3036, and app., pp. 46–73.

‖ *Register of Debates*, vol. viii., pt. iii., pp. 3840–3850.

§ *Ibid*, p. 3852.

* For text see *Senate Journal*, 22d Congress, 1st session, pp. 451–453. See also Peck, *The Jacksonian Epoch*, pp. 176–181.

† Sumner, *Life of Jackson* p. 274; White, *Money and Banking*, pp. 296–297.

‡ Catterall, *Second Bank*, p. 239; Mason, *Veto Power*, p. 75.

these evils had arisen from the abuse of government. If a government would confine itself to equal protection and "shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. But this our government had many times failed to do. Many of our rich men have not been content with the equal protection and equal benefits, but have besought us to make them richer by acts of Congress. By attempting to gratify their desires, we have by results of our legislation arrayed section against section, interest against interest, and man against man in a fearful commotion which threatens to shake the foundation of our Union."*

These sentiments had great weight with the people, but the parts attacked by Clay and Webster† and defended by Benton were of a graver nature — those parts which charged that the bank was ruining the West by drawing its money eastward; the complaint that the States could not tax the business nor the property of the bank; and the doctrine that "each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others."*

Clay, Webster, Clayton, of Delaware, and Ewing endeavored, not to carry the bill over the veto, but to bring reproach upon the President and to make this a subject on which an appeal might be made to the people. Benton and White, of Tennessee, upheld the veto and in the debate that ensued there were many sharp personalities and several angry scenes. This was particularly the case when Clay and Benton spoke, for Clay assailed Benton as an old foe of Jackson's, who even yet carried marks of their duel. Clay accused Benton also of having said in 1825 that if Jackson were elected President, the members of Congress would have to guard themselves with pistols and dirks. Benton denied this as "an atrocious

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* Richardson, *Messages and Papers*, vol. ii., pp. 576–591; *Register of Debates*, vol. viii., pt. iii., pp. 73–79; *Niles' Register*, vol. xlii., pp. 365–368; *Senate Journal*, 22d Congress, 1st session, pp. 433–446; *Senate Doc.*, 180; *House Ex. Doc.*, 300. See also Brady, *The True Andrew Jackson*, p. 349 *et seq.*; Buell, *History of Andrew Jackson*, vol. ii., p. 264 *et seq.*; Von Holst, *Constitutional and Political History*, vol. ii., p. 44 *et seq.*; Parton, *Life of Jackson*, vol. iii., p. 406 *et seq.*

† For Clay's speech of July 12 see his *Life and Speeches*, (ed. 1844), vol. ii., pp. 94–105; *Niles' Register*, vol. xlii., pp. 429–432; *Register of Debates*, vol. viii., pt. i., pp. 1265–1274; Benton, *Abridgment*, vol. xi., pp. 531–537. For Webster's speech of July 11, see his *Works*, (ed. 1857), vol. iii., pp. 416–447; *Register*, vol. viii., pt. i., pp. 1221–1239; Benton, vol. xi., pp. 513–523; *Niles' Register*, vol. xliii., pp. 106–112.

* Regarding this see Madison's letter in *Niles' Register*, vol. xliii., p. 136. In speaking of the bank, Madison said that the act establishing it has been thoroughly discussed for 20 years and its constitutionality had been recognized by Congress. "A veto from the executive under the circumstances, with an admission of the expediency and almost necessity of the measure, would have been a defiance of all the obligations derived from a course of precedents amounting to the requisite evidence of the national judgment and intention."

calumny."* Finally, on July 13, after a heated discussion, the Senate failed to secure the necessary two-thirds to pass the bill over the veto, (the vote being 22 to 19)* and the question to re-charter was referred to the people,† becoming an issue in the campaign then well under way.

CHAPTER IV.

1830–1832.

THE ELECTION OF 1832.

Jackson's nomination — Declarations favoring Clay — Van Buren's resignation — The quarrel in the Cabinet and its reorganization — The anti-Masonic convention — The National Republican convention — The Democratic convention — The convention of Clay's "Infant School" — Issues of the campaign — Result of the election.

As Jackson in his annual message of December 8, 1829, had asked that the Constitution be amended so as to limit the President's term to four or six years,† the question as to whether he would accept a renomination began to be argued in the newspapers.‡ In March of 1830 the *United States Telegraph* denied that he was to be a candidate, saying that the declaration was ill-timed, unadvised, and unauthorized. On the other hand, the *New York Courier and Enquirer* asserted on March 15, 1830, that Jackson was to be a candidate for reëlection,‡ and cited some remarks of Senator Grundy, of Tennessee, while speaking on Foot's resolution. Grundy said that he had not been authorized to make such a declaration, but asserted on his own responsibility that the President was a candidate for reëlection, and that if the people would have a little patience, they would see for themselves the truth of his assertion. It was true that Jackson was a little old, but he was tough and sound and as good as seasoned hickory. The West was perfectly satisfied with him and there was no doubt that he could be reëlected.||

* Benton, *Thirty Years' View*, vol. i., pp. 255–265; Schouler, *United States*, vol. iv., p. 71; Parton, (*Life of Jackson*, vol. iii., p. 415) notes the singular coincidence that while Benton was thus defending Jackson a surgeon was extracting Benton's bullet form Jackson's left arm.

† Richardson, *Messages and Papers*, vol. ii., p. 448.

‡ Calhoun was uncertain of Jackson's probable attitude toward a second term because "it will be difficult to reconcile the course to his previous declarations, unless there should be the strongest considerations of the public good to justify him." — Jameson's ed. of Calhoun's *Correspondence*, p. 273.

* *Register of Debates*, vol. viii., pt. i., pp. 1293–1296.

† On the controversy see also Benton, *Thirty Years' View*, vol. i., chaps. 63–68, 72; Curtis, *Life of Webster*, vol. i., chap. xviii.; Sumner, *Life of Jackson*, p. 275; Peck, *The Jacksonian Epoch*, pp. 185–190; Schurz, *Life of Clay*, vol. i., p. 372 *et seq.*; Roosevelt, *Life of Benton*, pp. 127–130.

‡ Schouler, *United States*, vol. iii., p. 501; MacDonald, *Jacksonian Democracy*, p. 186.

|| *Register of Debates*, vol. vi., part i., p. 219.

Various journals took up the discussion and were debating the question whether the time had arrived to nominate a candidate for 1832, when on March 30, 1830, 68 of the Republican members of the Pennsylvania legislature, in caucus assembled, settled the question by nominating Jackson.* On April 11, 1830, the Democratic members of the New York legislature expressed the hope that Jackson would consent to renomination.† After the Jefferson dinner at Washington, where the President and Vice-President exchanged their famous toasts, and after the rupture between the two because of the Seminole correspondence, Calhoun ceased to be a candidate for the Presidency,‡ and thus the way was clear for Jackson. On June 15, 1830, the Democratic members of the New Hampshire legislature|| and on December 17, the Senate and House of Alabama§ adopted resolutions warmly endorsing Jackson's nomination. On January 4, 1831, Alabama's action was approved by both the House and Senate of the Illinois legislature.* On January 26, the Delaware legislature voted that the reëlection of Andrew Jackson would be inimical to the best interests of the Nation, and that her choice was Henry Clay.† The Alabama resolutions were laid on the table by the Massachusetts legislature on January 22, 1831, but on February 15, a caucus of National Republican members declared for Clay.‡ On January 22, 1831, the *Washington Globe,* an administration newspaper, announced that Jackson would be a candidate. The Democratic members of the Pennsylvania legislature thereupon sent a letter of congratulation to Jackson, who replied that his services were at the disposal of the people. This was considered an acceptance of the nomination.

This announcement was seized upon by Van Buren as a good pretext for resigning his office as Secretary of State. Both Van Buren and the Secretary of War had previously made known their desire to withdraw, for the social relations of the Cabinet members had long been broken. The Cabinet had hardly been called together when Dr. J. N. Campbell, a Presbyterian minister, of Washing-

*Sumner, *Life of Jackson,* pp. 155–156; *Niles' Register,* vol. xxxviii., p. 169.

†Sumner, *Life of Jackson,* p. 156; *Niles' Register,* vol. xxxviii., p. 170.

‡On May 16, 1831, he wrote: "In the present state of things, I have but little ambition to administer the Government. I cannot support Clay, who in my opinion has done great mischief to the country, and I have no confidence in Jackson, who is too ignorant, too suspicious, and too weak to conduct our affairs successfully." Again he wrote: "If the country wants an individual to carry on the sectional conflicts, I am not their man. I would not advance myself by sacrificing its true interests; but if they look to the higher considerations of peace, harmony, and liberty, it would be the proudest incident of my life, to be instrumental in promoting these great objects."—Jameson's ed. of Calhoun's *Correspondence,* pp. 291, 297.

|| *Niles' Register,* vol. xxxviii., pp. 392–393.

‡ *Ibid,* vol. xxxix., p. 341.

* *Niles' Register,* p. 448.

† *Ibid,* p. 452.

‡ *Ibid,* pp. 449–452; McMaster, vol. vi., pp. 114–117.

ton, through the Rev. Dr. E. S. Ely, a clergyman of Philadelphia, laid before the President charges against the character of the wife of the Secretary of War, but Jackson considered it as a piece of spite and further than to prove that the charges were unfounded took no action before the winter of 1830.* Then a member of Congress called on him and announced that a plan had been formulated between the secretaries of the Treasury and the Navy, the Attorney-General, and "a certain foreign lady" to drive Major Eaton out of the Cabinet and his wife from society.† Thereupon Jackson read a vigorous note to the three offenders, denouncing the treatment of the Secretary of War and his wife as unjust to the Secretary and disrespectful to the President. He declared that he had brought Major Eaton into the Cabinet and intended to keep him there, and that unless the other members could harmonize with him, they had better withdraw. All declared it their wish to harmonize, and Jackson decided to retain them.‡ But harmony was not restored, and finally his position became so irksome that Eaton expressed an earnest desire to retire. At the same time (April 11) Van Buren made a similar request, but the Presiden requested them to wait until succes sors could be found.* Jackson ther determined to reorganize the whol Cabinet.† Accordingly, on April 19 Jackson sent for Ingham, Secretar of the Treasury, and John Branch Secretary of the Navy, informed ther of the resignations of Van Buren an Eaton and announced his reasons fo reorganizing the Cabinet.‡ Eac promptly resigned and their resigna tions were accepted.|| The office o Secretary of State was then offered t Edward Livingston, of Louisiana, an that of the Navy to Levi Woodbury of New Hampshire.

Meanwhile Van Buren's letter ha been made public. He stated tha from the time he entered the Cabine he desired to prevent a premature dis cussion of the question of Jackson' successor, and that he had striven t discountenance the disposition to con nect his name with this disturbin topic. But as circumstances beyon his control had given the matter different turn, he ought not to remai in the Cabinet. Letters from Inghar and Branch also appeared in the news papers,§ but some weeks passed be

* Brady, *The True Andrew Jackson*, p. 180 *et seq.*; Buell, *History of Andrew Jackson*, vol. ii., pp. 224–230; Schouler, *United States*, vol. iii., pp. 495–496. Jackson's letters in full are in Parton, *Life of Jackson*, vol. iii., p. 186 *et seq.*

† See Sumner, *Life of Jackson*, pp. 149–151.

‡ Parton, *Life of Jackson*, vol. iii., pp. 302–309; MacDonald, *Jacksonian Democracy*, p. 127.

* Shepard, *Martin Van Buren*, p. 165 *et se* The two letters are in *Niles' Register*, vol. x pp. 143–144; Parton, *Life of Jackson*, vol. iii., 347 *et seq.*

† Brady, *The True Andrew Jackson*, p. 194 *seq.*; Sumner, *Life of Jackson*, pp. 160–161.

‡ *Niles' Register*, vol. xl., pp. 152–153.

|| *Ibid*, p. 201. See also Schouler, *Unite States*, vol. iv., pp. 32–33; Parton, *Life of Jac son*, vol. viii., p. 352 *et seq.*

§ *Niles*, p. 220.

fore the cause of the trouble was made public. The various party journals discussed the probable cause,* and while the matter was still a subject of speculation, the mystery was much increased by the publication of a letter from Mr. Branch wherein it was stated that lack of harmony in the Cabinet was the cause of the rupture between Jackson and the Secretaries, and that this discord had been introduced "by the intrigues of selfish politicians."† On the other hand, in a letter made public at this time, Mr. Ingham states that the Cabinet had never been divided by differences of opinion as to public measures.‡ Here was an apparent contradiction, but the one referred to official intercourse and the other to the social intercourse of the members of the Cabinet, and when this distinction was made known, the social quarrel among the Cabinet members was brought to light.‖ The *Telegraph* then printed several queries regarding the relations existing among the Cabinet members which considerably angered Mr. Eaton. He accused Ingham of having inspired these articles, sent him a challenge,* and when it was rejected sought (Mr. Ingham insisted)† to waylay and assassinate him. Next John M. Berrien, the Attorney-General, was requested to resign‡ and Roger B. Taney, of Maryland, was appointed in his place. Livingston and Woodbury had already taken their positions as secretaries of State and the Navy, respectively; Louis McLane, of Delaware, was recalled from London to be Secretary of the Treasury; and later (in August of 1831) Lewis Cass was appointed Secretary of War.‖ Van Buren then sailed for London as American minister to the court of St. James.

After the Cabinet quarrel had been thoroughly aired in public, attention was transferred to the political conventions. In March of 1829 the anti-Masons of New York issued a call for

* Excerpts will be found in *Niles*, vol. xl., pp. 165–166, 168–169, 178–180.

† *Ibid*, p. 253, also vol. xli., pp 5–6.

‡ *Ibid*, vol. xl., pp. 318, 383–384.

‖ As to the causes of the Cabinet changes see Brady, *The True Andrew Jackson*, p. 190 *et seq.* Buell (*History of Andrew Jackson*, vol. ii., pp. 249–250) says the real trouble was that Branch, Berrien and Ingham were known to be Calhoun men; that Jackson believed Ingham was secretly a Bank man; that at heart Berrien was a nullifier, and thus it seemed incongruous to have at the head of the law department a man who secretly favored defiance and resistance to the laws he had sworn to uphold; and that Branch was dull, pompous, incompetent and wholly under petticoat government, having succumbed entirely to the charms of the wives of the naval officers. See also Peck, *The Jacksonian Epoch*, pp. 148–149.

* See the letters in Parton, *Life of Jackson*, vol. iii., p. 364 *et seq.; Niles' Register*, vol. xl., p. 301.

† Sumner, *Life of Jackson*, p. 162; Parton, *Life of Jackson*, vol. iii., pp. 366–368; *Niles' Register*, vol. xl., p. 302.

‡ *Niles' Register*, vol. xl., p. 304.

‖ McLaughlin, *Life of Cass*, pp. 130–135; Smith, *Life and Times of Lewis Cass*, p. 234; Schouler, *United States*, vol. iv., pp. 34–36; Sumner, *Life of Jackson*, pp. 162–163. Regarding the disruption of the Cabinet, see also Eaton's version in a *Candid Appeal to the American Public* (Washington, 1831), and the view point of Jackson's opponents in an *Address to the People of Maryland* by Joseph Kent and others (Baltimore, 1832).

a convention to be held at Philadelphia on September 11, 1830.* This was attended by 96 delegates from ten States and one Territory, but no candidates for the Presidency were nominated and the question was deferred until another convention to be held at Baltimore on September 26, 1831, at which 112 delegates from thirteen States and one Territory assembled and nominated William Wirt, of Maryland, and Amos Ellmaker, of Pennsylvania.† As a platform this party adopted that passage in Jefferson's first inaugural speech, wherein he stated the six general principles of democracy. They said also that the chief foe of the country was Free-Masonry, citing the Morgan abduction as an instance of the baneful influence of this order and calling upon all true patriots to exclude Free-Masons from power.‡ The chief effect of this party was to draw votes from the other candidates, particularly from Clay.||

The convention of the National Republicans assembled at Baltimore on December 12–16.§ Seventeen of the States and the District of Columbia sent delegates (159 in number), but South Carolina, Alabama, Mississippi, Missouri, and Illinois were unrepresented.* All the delegates save one voted for Clay as the party's nominee for the Presidency, and John Sergeant, of Pennsylvania, for the Vice-Presidency.† This convention adopted no platform, issuing an address instead. Jackson's conduct was severely arraigned, various points in his message were cited to show he had acted inconsistently, and his attitude toward the Bank was particularly dwelt upon.‡ In his recent message to Congress he had for the third time declared his hostility to the Bank, and intimated that he should consider his reëlection as an expression of the people's will that the Bank should be destroyed. Therefore Jackson was pledged to veto any bill which might be passed by Congress to re-charter the Bank, and undoubtedly, if elected, he would veto such a bill and attempt to substitute something else for the Bank. The question was, Were the people of the United States, the farmers of the West, and the great merchants of the East ready for this? If not, they must vote for Clay. Hence the National Republican watchword was "The Bank of Jackson!"||

It remained for the Democrats only to nominate a Vice-Presidential can-

* *Niles' Register*, vol. xxxix, p. 58.

† *Ibid*, vol. xli., pp. 83, 107; Stanwood, *Presidential Elections*, p. 104; Schouler, *United States*, vol. iv., p. 82.

‡ *Niles' Register*, vol. xli., pp. 166–174. See also Alexander Harris, *A Review of the Political Conflict in America*, pp. 24–25.

|| McCarthy, *The Anti-Masonic Party*, in *Annual Report of the American Historical Association* for 1902, vol. i., pp. 442–454.

§ *Niles' Register*, vol. xli., p. 301 *et seq.*

* Stanwood, *Presidential Elections*, p. 105.

† Schurz, *Life of Clay*, vol. i., p. 356; Clay, *Life of Clay*, pp. 190–191.

‡ Sumner, *Life of Jackson*, pp. 256–257. Text is in *Niles' Register*, vol. xli., pp. 307–312.

|| Von Holst, *Constitutional and Political History*, vol. ii., p. 40.

didate. Jackson's choice was Van Buren, and to bring this about the Democrats of the New Hampshire legislature were induced to call a convention to meet at Baltimore in May of 1832 to select a Vice-President. It was a matter of some doubt as to who the Vice-Presidential candidate was to be, but Jackson's enemies soon brought Van Buren forward. On December 7, 1831, Van Buren was nominated envoy extraordinary and minister plenipotentiary at the court of St. James, but it was openly asserted that this nomination would not be confirmed. It was stated that Van Buren was the first to introduce party politics into the Senate as ground for rejecting nominations; that in his administration of the office of Secretary of State he has neglected the interests of the country; that he had taken a disgraceful part in the disruption of the Cabinet, etc.* The message nominating Van Buren was allowed to lie on the table for three weeks before it was even considered. On December 27 it was sent to the Committee on Foreign Relations, which on January 10, 1832, reported favorably. On January 17 Holmes moved that the committee investigate the cause which had brought about the resignations and removals of Cabinet officials and ascertain if Van Buren had "participated in any practices disreputable to the national character" and calculated to "smooth the way to his appointment to the high office to which he had been nominated." After some debate, this motion was laid on the table.* Next day Marcy, of New York, moved that the Senate resume consideration,† and after two days' debate Van Buren's appointment was rejected (January 25) by the casting vote of Calhoun.‡ When the report of the debate was published Van Buren became a martyr to the cause and was to be avenged at the polls. Various indignation meetings were held at which the Senate was denounced; Van Buren's followers in the New York legislature sent a letter of condolence to the President; Jackson's followers in the New Jersey legislature voted that Van Buren's rejection was an act of wanton, unprecedented, and unjustifiable party violence; the New York Democrats rebuked Clay and Webster by name and plainly hinted that Jackson and Van

* Shepard, *Martin Van Buren*, pp. 197–199.

* *Register of Debates*, vol. viii., pt. i., pp. 1310–1386.

† It was during this debate that Marcy said: "It may be, sir, that the politicians of New York are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly *preach* what they *practice*. When they are not contending for *victory*, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule that to the victor belongs the spoils of the enemy."—*Niles' Register*, vol. xliii., p. 8.

‡ Schouler, *United States*, vol. iv., pp. 75–76; Parton, *Life of Jackson*, vol. iii., p. 375 *et seq.*; Bancroft, *Martin Van Buren*, pp. 173–177.

Buren should be the Democratic candidates.*

The first National convention ever held by the Democratic party assembled at Baltimore on May 21, 1832. After the ballots had been deposited and counted in accordance with rules, it appeared that Van Buren had received 208, Richard M. Johnson 26, and Philip P. Barbour 49. Later in the day Van Buren's nomination was made unanimous.† This selection was unsatisfactory to many Democrats, who refused to abide by the choice of the convention. In March the Pennsylvania Democrats nominated William Wilkins for the Vice-Presidency. In June some of Jackson's friends at Charlotteville, Virginia, repudiated Van Buren and chose Philip P. Barbour,‡ and a week later delegates from eighteen counties of North Carolina endorsed this nomination because of Barbour's hostility to the tariff.‖

On May 7, 1832, the Young Men's National Republican Convention (Clay's "Infant school," as the Jacksonian Republicans called it),§ assembled at Washington and adopted a series of resolutions (constituting the first formal party platform*) which demanded protection for American industries and a uniform system of internal improvements supported by the Government. The platform recognized the Supreme Court as the final arbiter in all cases arising under the Constitution and laws of the United States, denounced the spoils system and charged the administration with acting in a manner derogatory to the National character with respect to the disputes over the northeastern boundary and the arrangement with Great Britain relative to colonial trade.†

Save in South Carolina, the American System scarcely entered into the campaign which followed, the tariff of 1832 being considered as having put that long-mooted issue at rest. Clay sought to bring the new bank charter before the people as the most vital question at issue. In this Jackson was perfectly safe, for the people knew little of and cared less for the bank, and when their political leaders stated that it was "a monster monopoly" and was bent on defeating Jackson, they readily believed it.‡

* McMaster, vol. vi., p. 143. See also Curtis, *Life of Webster*, vol. i., pp. 422–424; Peck, *The Jacksonian Epoch*, p. 154 *et seq.*

† Stanwood, *Presidential Elections*, pp. 107–108; Shepard, *Martin Van Buren*, pp. 203–204. Sumner (*Life of Jackson*, p. 273) says Van Buren was nominated by 260 votes out of 326; Parton (p. 421) gives the vote 260, 26, and 40 respectively. The vote as given above is taken from *Niles' Register*, vol. xlii., p. 234.

‡ *Niles' Register*, vol. xlii., pp. 303, 304, 339.

‖ Stanwood, *Presidential Elections*, pp. 108–109.

§ Schurz, *Life of Clay*, vol. i., p. 380.

* MacDonald, *Jacksonian Democracy*, p. 194.

† *Niles' Register*, vol. xlii., pp. 206, 218, 219, 236, 238; Stanwood, *Presidential Elections*, pp. 105–107.

‡ Writing to Dallas, August 26, 1832, Edward Livingston, after noticing "the extravagant applause with which it [the veto] has been received," said: "There are arguments in it that an ingenious critic might plausibly expose, and I am glad that it has only been nibbled at by the

The National Republicans were greatly delighted at the veto and expressed the hope that it would be given the widest publicity, for they thought that nothing would so surely demoralize and scatter the President's followers.* Owing to Jackson's willingness to accept the boundary line drawn by the King of Holland and to cede a large part of the territory claimed by Maine, the Clay Republicans had high hopes of carrying the State of Maine. But their hopes were dashed to the ground when Maine cast her ten votes for Jackson and Van Buren. The National Republicans in Ohio and New York had fused with the anti-Masonic element, but even this fusion did not save them from defeat. Jackson carried Pennsylvania and Virginia, and, to the great surprise of all, obtained over 500 majority in New Jersey. South Carolina gave her 11 votes to John Floyd, of Virginia, and Henry Lee, of Massachusetts; Vermont gave her 7 votes to Wirt and Ellmaker; while Pennsylvania cast her 30 electoral votes for Wilkins as Vice-President. The other electoral votes were divided between Jackson and Clay as follows:*

Number of electoral votes.	States.	President.		Vice-President.	
		Andrew Jackson, Tennessee.	Henry Clay, Kentucky.	M. Van Buren, New York.	John Sergeant, Pennsylvnia.
10	Maine	10	.....	10	.....
7	New Hampshire	7	.....	7	.....
14	Massachusetts	.....	14	.....	14
4	Rhode Island	.....	4	.....	4
8	Connecticut	.....	8	.....	8
7	Vermont	.....	.....	.....	.....
42	New York	42	.....	42	.....
8	New Jersey	8	.....	.....	.....
30	Pennsylvania	30	.....	.....	.....
3	Delaware	.....	3	.....	3
10	Maryland	3	5	3	5
23	Virginia	23	.....	23	.....
15	North Carolina	15	.....	15	.....
11	South Carolina	.....	.....	.....	.....
11	Georgia	11	.....	11	.....
15	Kentucky	.....	15	.....	15
15	Tennessee	15	.....	15	.....
21	Ohio	21	.....	21	.....
5	Louisiana	5	.....	5	.....
4	Mississippi	4	.....	4	.....
9	Indiana	9	.....	9	.....
5	Illinois	5	.....	5	.....
7	Alabama	7	.....	7	.....
4	Missouri	4	.....	4	.....
288	Total	219	49	189	49

editors. Is this concert? Or what can be the reasons of this forbearance? I dreaded an immediate attack. Our friends have lost no time in taking off its force by anticipating the public opinion."—Hunt, *Life of Edward Livingston*, pp. 370–371.

* Writing to Dallas, Biddle said: "My impression is that it [the veto] is working as well as the friends of the bank and of the party could desire. * * * As to the veto message, I am delighted with it. It has all the fury of a chained panther, biting the bars of his cage. It is really a manifesto of anarchy, * * * and my hope is, that it will contribute to relieve the country from the dominion of these miserable people."—*Private Correspondence of Henry Clay*, p. 341.

* Stanwood, *Presidential Elections*, pp. 111–112; Schouler, *United States*, vol. iv., p. 553; *Register of Debates*, vol. ix., pt. ii., p. 1723; Benton, *Abridgment*, vol. xii., p. 168.

CHAPTER V.

1832–1834.

NULLIFICATION IN SOUTH CAROLINA.

Speeches and letters of South Carolinians on nullification — Passage of the nullification ordinance — Measures enacted by the South Carolina legislature — Action of the Government — Jackson's message to Congress — The proclamation to the nullifiers — Resolutions of the South Carolina legislature — Passage by Congress of the Force Bill and the compromise tariff — The suspension of the nullification ordinance — Subsequent action by the legislature. Appendix to Chapter V.— The South Carolina Ordinance of Nullification.

South Carolina took very little interest in the Presidential election, for a convention had been called for to nullify the tariff. On July 13, 1832, immediately after the passage of the tariff bill, those members of the South Carolina delegation in Congress who favored nullification (Hayne, Miller, McDuffie, Barnwell, and others) told their constituents that the issue was in their hands and that it was for them to decide whether they would suffer or resist an invasion of their rights and liberties.* On July 25, at a public dinner Judge A. S. Clayton said: "You will naturally inquire what is to be done? Submit? Certainly not. No freemen will submit. I advise, then, the most peaceful remedy, and strange as to some it may seem I advise nullification."† Writing to Gouverneur, Calhoun said:

"I feel the deepest conviction that our politics must take a new direction, and that the government must be thoroughly reformed in every department within the next four years, or our splendid political experiment will fail, and with it the best hopes of the human race."

To the promoters of a "free trade and State rights" feast, on May 14, 1832, he wrote:

"I do most sincerely believe that the cause of Carolina is the cause of the Constitution, of liberty and of the Union. My opinion has not been hastily formed. It is the result of much reflection and long observation, and I am prepared to test its sincerity by sharing the fate of the State, be it what it may. Our government is clearly tending towards consolidation; and on consolidation, corruption, oppression, and finally monarchy must closely press. There is but one remedy, but I trust that it is sufficient to avert such calamities — the reserved rights of the States. They are the only solid foundation of American liberty. On this rock our fathers placed it, and there let us be prepared to maintain it."*

Pamphlets, tracts and speeches advocating nullification were sent broadcast and Governor Hamilton requested Calhoun to elaborate in a letter the principles and consequences of the doctrine. The latter complied at once and assured the people of the State that nullification was "the great conservative principle" of the Union and that it would be impossible for the

* *Niles' Register*, vol. xlii., pp. 412–414; Hunt, *Life of Calhoun*, pp. 147–148; Schouler, *United States*, vol. iv., p. 89.

† *Niles' Register*, vol. xlii., p. 419.

* *Niles' Register*, vol. vlii., p. 373.

general government to resist it.* The Union and State rights party stoutly resisted such a course of action and combated the doctrine itself in every way possible. In September of 1832 a convention was held at Columbia at which nullification was condemned and assurances given that the Union party was ready to join the Free Trade and State rights party in any constitutional effort to procure a redress of grievances.†

After the election the current of popular opinion was strongly the other way, and more than two-thirds of both branches of the legislature were in favor of the nullification doctrine, the Unionists polling only 17,000 votes to 23,000 for the nullifiers.‡ Governor Hamilton called a special session of the legislature,‖ and when that body convened on October 22 the tariff question was warmly discussed, with the result that on October 26 the Senate by a vote of 30 to 13 and the House by a vote of 96 to 25 called a State convention to meet at Columbia on November 19.§ On that day 136 nullifiers and 26 Union men met and chose Governor Hamilton as the chairman of the meeting.* As the president and 112 members made a quorum, the Union men were not even a respectable minority. A committee of 21 was appointed to devise means of redress and to indicate the proper plan of action should the National government attempt to collect the tariff duties. The committee quickly reported an ordinance of nullification, an address to the people of South Carolina, and another to the people of the country.† Each of these was adopted by a vote of 136 to 26 and November 24 was fixed as the day when the engrossed copy of the ordinance should be signed. After the ceremony had been completed, the president arose and declared that the ordinance had been adopted and ratified by the people of the State assembled in their highest sovereign capacity. The convention then adjourned, subject to the call of the president at any time prior to November of 1833.‡

* For Calhoun's letter on State rights to Governor Hamilton, see his *Works*, vol. xi., pp. 144–193; Jenkins, *Life of Calhoun*, pp. 195–232; *Niles' Register*, vol. xl., pp. 437–445. A resumé is given in Von Holst, *Constitutional and Political History*, vol. i., p. 431 *et seq.* See also Von Holst, *Life of Calhoun*, p. 98.

† *Niles' Register*, vol. xliii., pp. 66, 87–88.

‡ Hunt, *Life of Calhoun*, p. 152; Houston, *Nullification in South Carolina*, p. 107.

‖ *Niles' Register*, vol. xliii., p. 135.

§ *Niles' Register*, vol. xliii., pp. 152, 173–175; Jenkins, *Life of Calhoun*, p. 243; Jervey, *Robert Y. Hayne and His Times*, p. 318; Houston, *Nullification in South Carolina*, pp. 107–108.

* Houston, *Nullification in South Carolina*, pp. 108–110.

† Houston, *Nullification in South Carolina*, p. 110. For text see *Niles' Register*, vol. xliii., pp. 219–220, 231–239; *Register of Debates*, vol. ix., pt. ii., app., pp. 154–172.

‡ *Niles' Register*, vol. xliii., pp. 276–278; Hunt, *Life of Calhoun*, p. 153 *et seq.* For text see *Senate Doc.*, 22d Congress, 2d session, pp. 36–39; McMaster, vol. vi., pp. 148–150; MacDonald, *Select Documents*, 268–271; *Niles' Register*, vol. xliii., p. 219; and appendix at the end of the present chapter. On the controversy in general see Jervey, *Robert Y. Hayne and His Times*, pp. 319–320; Benton, *Thirty Years' View*, vol. i., chaps. lxxviii., lxxxvii.–lxxxix; Stephens, *War Between the States*, vol. i., pp. 419–543. The

The ordinance declared the tariff acts of May 19, 1828, and July 14, 1832, null and void and no longer binding within the limits of the State. It fixed February 1, 1833, as the day whereon nullification should go into effect, and requested the legislature to enact such laws as were necessary to put the ordinance into effect.* All persons holding any official position, save the legislators, were required to take an oath that they would obey the ordinance and such acts as the legislature passed to enforce it, while the National government and the people of the other States were warned against any attempt to employ force to reduce the State to submission. Any act passed by Congress the intent of which was to coerce the State, to close her ports, or to destroy her commerce, would be considered a just cause for secession, whereupon the people of the State would form a separate government and perform such duties as belong to an independent and sovereign State.†

Some feared that Jackson would call out the troops and take forcible possession of the seaports to secure the revenue, but Webster asserted that the President had no authority to blockade Charleston or to employ military force until duly requested by the civil authorities or compelled to do so by law. It was his duty to see that the laws were executed and that the authority of the civil government was upheld, but this could only be done in compliance with the law and by following the decisions of the proper tribunals. In a speech at Worcester, Massachusetts, on October 12, Webster declared that he did not favor the unauthorized use of an armed force under the pretense of putting down nullification.* On the other hand, Governor Hamilton, of South Carolina, was quite sure that Jackson would use force. In his message to the legislature which assembled November 27, 1832, he said that, while the State intended to follow peaceful means to enforce their nullification doctrine, he still thought it best that 2,000 volunteers be raised to hold Charleston, that 10,000 State troops be raised to defend the State as a whole, that money be appropriated to mount heavy guns, and that Jackson be requested to remove the United States troops from the capital of the State.† The legislature promptly responded. A law was passed permitting owners of goods which had been attacked because of non-payment of duties to recover them by a writ of replevin. In case the custom officials

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proceedings of the nullification convention will be found in *State Papers on Nullification*, (*Mass. Gen. Court Misc. Doc.*, 1834); Johnston, in Lalor's *Cyclopædia*, vol. ii., pp. 1050–1055.

* Sumner, *Life of Jackson*, pp. 281–282.

† Von Holst, *Constitutional and Political History*, vol. i., pp. 476–477.

* *Niles' Register*, vol. xliii., p. 186; McMaster, *Life of Webster*, p. 199.

† *Niles' Register*, vol. xliii., pp. 259–260; *Register of Debates*, vol. ix., pt. ii., app., pp. 172–176; Houston, *Nullification in South Carolina*, pp. 111–112; Hunt, *Life of Calhoun*, p. 157; Parton, *Life of Jackson*, vol. iii., p. 459.

should refuse, the sheriff was authorized to levy on their private property to an amount double that of the goods detained. Moreover, those who opposed the execution of this law would be punished by fine and imprisonment. Similar punishments were provided for those who aided the judgments of Federal courts based on the efficacy of the nullified laws. An oath was prescribed to support the nullification ordinance and the governor was empowered to put the State in a condition of defence and to use the armed forces if necessary.*

Jackson was informed by Poinsett that the Union men needed aid to carry out their determination to uphold the National laws and oppose nullification.† The Government should send more troops to Charleston, should provide plenty of ammunition, and should turn every nullifier out of office. Accordingly Jackson directed Secretary of War Cass to prepare the forts in the harbors for a siege and to send troops there. On November 7 additional troops were sent to Fort Moultrie, on the 18th General Winfield Scott was directed to proceed to Charleston,‡ troops were assembled at Augusta, and two vessels were detailed to coöperate with the forts in the event of an attack.* It was provided, however, that, should the State resist, the collector of the port might establish a custom house at Castle Pinckney, where he was to be protected in the discharge of his duty.† As a further precaution, the arms and ammunition in Castle Pinckney were at Poinsett's disposal.

Soon afterward Congress assembled. In his message of December 4, 1832, greatly to the amazement of the people, Jackson practically ignored the situation in South Carolina. While he admitted that in one section of the country opposition to the revenue laws had arisen, he believed that the good sense of the people would soon prevail over any obstructions that might be thrown in the way of the legal operations of the Government.‡ In the meantime, since the public debt was nearly extinguished, he recommended a further reduction of duties. This advice was warmly seconded by the Secretary of the Treasury, McLane, who in his annual report expressed the belief that a protective tariff was not so needful now

* Houston, *Nullification in South Carolina*, pp. 112–113; Von Holst, *Constitutional and Political History*, vol. i., pp. 477–478; Hunt, *Life of Calhoun*, p. 158. For text see *Niles' Register*, vol. xliii., pp. 327–328, 347–348; *Register of Debates*, vol. ix., pt. ii., app., pp. 177–180.

† Houston, *Nullification in South Carolina*, p. 114.

‡ McLaughlin, *Life of Cass*, p. 143; Smith, *Life and Times of Lewis Cass*, p. 269 *et seq.*; see also *American State Papers, Military Affairs*, vol. v., p. 159.

* Sumner, *Life of Jackson*, p. 282. The various orders are in *Register of Debates*, vol. ix., pt. ii., app., pp. 197–200.

† See McLane's letter of November 6 to Pringle, in *Register of Debates*, vol. ix., pt. ii., app., pp. 187–189.

‡ Richardson, *Messages and Papers*, vol. ii., pp. 591–606; *Register of Debates*, vol. ix., pt. ii., app., pp. 2–8; Benton, *Abridgment*, vol. xii., pp. 3–10. See also Peck, *The Jacksonian Epoch*, p. 194; *Niles' Register*, vol. xliii., pp. 243–248.

as it had been a year before.* The Jacksonian members of Congress were greatly pleased at the conciliatory tone of the message, but the followers of Clay and Webster were greatly dismayed. Adams said that the message "goes to dissolve the Union into its original elements, and is in substance a complete surrender to the nullifiers of South Carolina."† Clay said that the message was "ultra on the side of state rights."‡ Nevertheless the President was fully alive to the conditions in South Carolina, and on December 10, 1832, amazed the country by issuing a proclamation to the people of that State.‖ From that moment his position could not be doubted. In this proclamation he said:

"The Constitution of the United States forms a government, not a league; and whether it be formed by a compact between the States or in any other manner its character is the same. * * * I consider the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, and destructive of the great object for which it was formed. * * * To say that any State may at pleasure secede from the Union is to say that the United States are not a nation because it would be a solecism to contend that any part of a nation may dissolve its connection with the other parts, to their injury or ruin without committing any offense. Secession, like any other revolutionary act may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error or to deceive those who are willing to assert a right, but would pause before they made a resolution or incur the penalties consequent on a failure."

Throughout the country and especially in the North the President's words were received with unqualified approval.* At a meeting of Boston anti-nullifiers Webster declared that the proclamation was both timely and wise, that its principles were true to the Constitution, and that in meeting the crisis the President would have his hearty coöperation.† In the South however, the proclamation was received with both anxiety and contempt. The proclamation was sent

* Schouler, *United States*, vol. iv., p. 94.

† Morse, *John Quincy Adams*, p. 235. See also Schouler, *United States*, vol. iv., p. 95.

‡ Schurz, *Life of Clay*, vol. ii., pp. 7–8. But he said that the proclamation was an "ultra-Federal black cockade." (*Letters and Times of the Tylers*, vol. iii., p. 75.)

‖ Richardson, *Messages and Papers*, vol. ii., pp. 640–656; *Niles' Register*, vol. xliii., pp. 260–264; *Senate Doc.* 30, 22d Congress, 2d session, pp. 78–92; *Register of Debates*, vol. ix., pt. ii., app., pp. 181–186. Excerpts are given in MacDonald, *Select Documents*, pp. 274–283. There seems to be a dispute as to the date of this proclamation. In the *Statesman's Manual*, vol. ii., pp. 890–903, and in Jackson's message of January 16, 1833 (as given in *ibid*, vol. ii., p. 904 *et seq.*), in Parton, *Life of Jackson*, vol. iii., p. 467, and in Houston, *Nullification in South Carolina*, p. 117, the date is given December 11. In Richardson and Niles as above cited and in the message of January 16 as given in Richardson (p. 610 *et seq.*) the date is given as in the text. In Benton, *Thirty Years' View*, vol. i., p. 299; Curtis, *Life of Webster*, vol. i., pp. 433, 465; Hunt, *Life of Edward Livingston*, p. 371; McMaster, vol. vi., p. 157, and in other works the date is given as the 10th. This can hardly be explained unless for some reason the dates in both documents have been changed. Hunt (*Life of Livingston*, pp. 371–381) claims the authorship for Livingston. Regarding this, however, see Brady, *The True Andrew Jackson*, p. 329 *et seq.*; Parton, *Life of Jackson*, vol. iii., p. 466.

* Sumner, *Life of Jackson*, p. 283; Rhodes, *United States*, vol. i., p. 47; Houston, *Nullification in South Carolina*, pp. 118–119.

† McMaster, *Life of Webster*, pp. 202–203.

broadcast throughout South Carolina, together with letters explaining its purpose. Among these letters were two from Jackson and Livingston to Poinsett. Jackson assured Poinsett that every possible means would be employed to put down the nullification movement; that he considered the conduct of the chief executive of the State and of the convention as treasonable; and that he waited only for the arrival of copies of the acts of the legislature to ask Congress for the necessary power to make the proclamation effective. Livingston in his letter entered into a lengthy explanation of the reasons for issuing the proclamation.*

When the proclamation was received at Columbia, a member of the legislature promptly called the latter's attention to this document. In laying the proclamation before the House, he made a bitter speech and introduced a resolution, requested the governor to issue a counter-proclamation exhorting the people to give no heed to Jackson's menaces, and urged the governor to put the State in readiness to defend its liberties against arbitrary measures.† On reading the first part of the proclamation great indignation was expressed, but when Jackson began to admonish the people of the State as children, his words only excited derisive laughter.‡ Jackson had said: "Fellow-citizens of my native State; let me not only admonish you as the first Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you," etc. This part of the proclamation, as just stated, was treated with contempt. One member said that "the principles thus avowed * * * were not less new and startling than was the mode of announcing them. Who and whose are we? Are we Russian serfs or slaves of a divan?" Another member said that the contest "would end in blood. The document of the President was none less than the edict of a tyrant." The resolutions introduced were adopted by the House on December 20 by a vote of 90 to 24, every Union man voting nay.* These resolutions declared that the President had no authority to interfere in the internal affairs of the State; that his power to issue proclamations could not be used to flaunt before the public his opinions regarding the Constitution; and that the Constitution did not give him power to direct a State by proclamation to repeal its legislation; that his opinion regarding State rights was improper and dangerous; that the primary allegiance of the citizens is due to the State; and that

* McMaster, *United States*, vol. vi., p. 158.
† *Niles' Register*, vol. xliii., pp. 287–288.
‡ Parton, *Life of Jackson*, vol. iii., p. 470.

* *Niles' Register*, vol. xliii., pp. 288, 300. See also Parton, *Life of Jackson*, chap. xxxiv.; Benton, *Thirty Years' View*, vol. i., chap. lxxix; Houston, *Nullification in South Carolina*, pp. 119–120; Ames, *State Documents on Federal Relations*, no. iv., pp. 42–44.

South Carolina would maintain her liberty at all hazard and repel force with force.* The Senate quickly concurred, and on December 20 Hayne, who had then become governor,† issued a counter-proclamation.‡ As Hayne's seat in the Senate was then vacant, this office was bestowed on Calhoun, who thereupon resigned the Vice-Presidency and took his seat in the legislative body.|| Hayne had done everything in his power to put the State in an attitude of defence. After the passage of the militia act by the State legislature the enrolling of volunteers began, and soon as many as 20,000 had presented themselves. Arsenals and depots were established at various places and drilling of troops became the order of the day.*

Before calling upon Congress to grant him power to collect the revenue by force, Jackson thought best to procure authentic copies of the test oath and replevin act and, on January 16, as these had not come, he sent a special message to Congress asking that body to grant him sufficient power to execute the laws in South Carolina.† The message was immediately sent to the Senate Committee on the Judiciary,‡ which on January 21 through Wilkins, of Pennsylvania, reported a bill, known as the "Revenue Collection Bill" or the "Force Bill" for the collection of duties on imports.|| Being thoroughly frightened by Jackson's action,§ Calhoun, on January 22, 1833, proposed a series of resolutions to the Senate, for the purpose, he said,

* *Register of Debates*, vol. ix., pt. i., pp. 80–81.

† Jervey, *Robert Y. Hayne and His Times*, p. 321; *Niles' Register*, vol. xliii., p. 266. In his inaugural address Hayne said: "After ten years of unavailing remonstrance, in common with the Southern States, South Carolina has in the face of her sisters of the confederacy and the world put herself upon her sovereignty. She has declared in the most solemn manner, that the acts of Congress, imposing duties on the importation of foreign commodities for the protection of manufacturers, shall not be enforced within her borders. * * * She was compelled to assert her just rights or sink into a state of colonial vassalage. * * * She is anxiously desirous of peace; she has no wish to dissolve the political bonds which connect her with the other States; but, with Thomas Jefferson, she does not regard the dissolution of the Union as the greatest of evils; she regards one as greater, viz., submission to a government of unlimited power. * * * She appeals to the Constitution, as it was originally adopted, not as it is at present converted into an instrument of oppression. * * * She will regard any attempt to force her into submission as severing the tie which connects her with the confederated States."—*Niles' Register*, vol. xliii., pp. 278–279; *Register of Debates*, vol. ix., pt. ii., app., pp. 176–177.

‡ See *Senate Doc.* 30, 22d Congress, 2d session; *Register of Debates*, vol. ix., pt. ii., app., pp. 190–196; *Niles' Register*, vol. xliii., pp. 308–312. See also Parton, *Life of Jackson*, vol. iii., p. 470; Hunt, *Life of Calhoun*, pp. 170–171; Jervey, *Robert Y. Hayne and His Times*, p. 330 *et seq.*

|| Hunt, *Life of Calhoun*, p. 159; Von Holst, *Life of Calhoun*, p. 104; Pinckney, *Life of Calhoun*, p. 59; Sumner, *Life of Jackson*, p. 284; Jenkins, *Life of Calhoun*, pp. 245–247.

* Houston, *Nullification in South Carolina*, p. 121.

† Richardson, *Messages and Papers*, vol. ii., pp. 610–632; *Register of Debates*, vol. ix., pt. ii., app., pp. 145–146; Benton, *Abridgment*, vol. xii., pp. 13–23; *Niles' Register*, vol. xliii., pp. 339–344. See also Von Holst, *Constitutional and Political History*, vol. i., pp. 486–487.

‡ *Register of Debates*, vol. ix., pt. i., p. 101.

|| *Ibid*, pp. 244–246; *Niles' Register*, vol. xliii., pp. 354–355 and sup., pp. 46–48.

§ Curtis, *Life of Webster*, vol. i., p. 443; Parton, *Life of Jackson*, vol. iii., p. 474.

of testing the principles of the Force Bill.* These resolutions were merely an expression of the old view of the State sovereignty principle, and still they involved the whole principle of nullification. He defined the Constitution as a compact uniting the people of the various States, said that the Union was a union between the States which ratified the constitutional compact, and added that while the States had delegated to the Government certain definite powers to be executed jointly, each State reserved to itself "the residuary mass of powers to be exercised by its own separate government." The assumption of powers not delegated to it by the compact made the act of Congress unauthorized, void, and of no effect, each State having an equal right to judge for itself, as well of the infraction as of the mode and measure of redress, all the States being "sovereign parties without any common judge." He denied that the Union was based on a social compact of the people "taken collectively as individuals" and that "they have not the right of judging, in the last resort, as to the extent of powers reserved, and, of consequence, of those delegated," because the tendency of those opinions was to "subvert the sovereignty of the States, to destroy the Federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."*

The resolutions were ordered printed, and on the following day, Grundy, on behalf of the Administration, offered a series of counter-resolutions,† asserting that the United States possessed ample power to levy a duty on imports and denying that any State possessed the right to obstruct or to attempt to obstruct the execution of any acts of Congress. The tariff laws of 1828 and 1832 were enactments by the supreme legislative power of the Government, no matter whether they were just or unjust, politic or impolitic, and therefore any attempt by a State to nullify these tariff acts was an encroachment on the rights of the general government and dangerous to American political institutions. On January 25 John M. Clayton, one of the opposition Senators, said that these resolutions tacitly yielded the whole doctrine of nullification. He submitted an additional resolution, setting forth the real reply to Calhoun's statement. This resolution was as follows:

"Resolved: That the power to annul the several acts of Congress imposing duties on imports, or any other law of the United States,

* *Niles' Register*, vol. xliii., p. 355; *Register of Debates*, vol. ix., pt. i., p. 191; Benton, *Abridgment*, vol. xii., pp. 23–24.

* The resolutions are given in Jenkins, *Life of Calhoun*, pp. 248–249; Curtis, *Life of Webster*, vol. i., p. 439. For Calhoun's speech see his *Works* (ed. 1853), vol. ii., pp. 197–309; *Niles' Register*, vol. xliii., pp. 383–384. See also Hunt, *Life of Calhoun*, pp. 179–180.

† *Niles' Register*, vol. xliii., p. 355; *Register of Debates*, vol. ix., pt. i., pp. 192–193; Benton, *Abridgment*, vol. xii., p. 24.

when assumed by a single State, is incompatible with the existence of the Union, contradicted expressily by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed; that the people of the United States are, for the purposes enumerated in their constitution, one people and a single nation, having delegated full power to their common agents to preserve and defend their national interests for the purpose of attaining the great end of all government — the safety and happiness of the governed; that while the Constitution does provide for the interest and safety of all the States, it does not secure all the rights of independent sovereignty to any; that the allegiance of the people is rightfully due, as it has been freely given, to the General Government, to the extent of all the sovereign power expressly ceded to that Government by the Constitution; that the Supreme Court of the United States is the proper and only tribunal as the last resort for the decision of all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority; that resistance to the laws, founded on the inherent and inalienable right of all men to resist oppression, is in its nature revolutionary and extra-constitutional; and that, entertaining these views, the Senate of the United States, while willing to concede everything to any honest difference of opinion which can be yielded consistently with the honor and interest of the nation, will not fail, in the faithful discharge of its most solemn duty to support the execution in the just administration of the Government, and clothe it with all constitutional power necessary to the faithful execution of the laws and the preservation of the Union." *

Debate began on the Force Bill late in January of 1833.† As the discussions went on it became evident that even the President's steadfast friends could not be relied upon to support the measure. The Democrats attacked it bitterly, saying that it gave the President discretionary power to make war, made him sole judge of the Constitution, sacrificed everything to arbitrary power, was as bad as the Sedition Act and worse than the Boston Port Bill. The position of the Administration party was becoming more critical every day, when on February 8 Webster came to its relief and announced his determination to support the measure. He said that the country was in considerable danger from an unlawful combination which was threatening the integrity of the Union. The vast majority of the people demanded that those entrusted with the conduct of the Government should maintain it by every lawful means in their power, and that he for one would obey the demands of the people.*

As it was certain that Webster would take a prominent part in the struggle over the Force Bill, Calhoun and the nullifers turned to Clay for aid.† The Kentuckian would not support of the Force Bill but was ever ready to save the protective system which he believed to be threatening speedy ruin and to keep South Carolina in the Union by peaceable means. He knew that in order to do this a compromise must be effected.

* *Niles' Register*, vol. xliii., p. 372; *Register of Debates*, vol. ix., pt. i., pp. 231–232; Benton, *Abridgment*, vol. xii., p. 27.

† The debate and numerous documents connected with it are in *Niles' Register*, vol. xliii., sup., p. 45 *et seq.*; *Register of Debates*, vol. ix., pt. i., p. 236 *et seq.*

* Curtis, *Life of Webster*, vol. i., pp. 440–443; Benton, *Thirty Years' View*, vol. i., p. 343; McMaster, *Life of Webster*, pp. 205–206; Schouler, *United States*, vol. iv., pp. 101–103; *Register of Debates*, vol. ix., pt. i., p. 411.

† *Memoirs of J. Q. Adams*, vol. viii., p. 524.

This must come in the shape of a revision of the tariff which, while it would continue the protective system, would yield enough to satisfy the nullifiers. For some time a bill to accomplish this had been lying on his desk, and on February 12 he asked leave of the Senate to introduce a bill "to modify the act of July 14, 1832, and other acts imposing duties on all imports."* The bill provided, first: that from all duties in excess of 20 per cent. of the value of such goods laid by the act of July 14, 1832, or any other act, 10 per cent. of the excess should be deducted on September 30 of each of the years 1833, 1835, 1837 and 1839; and one-half of the remaining excess in each of the years 1841 and 1842. Second: subject to the above deductions, the duty on woolens valued at not more than 35 cents per square yard was increased from 5 to 50 per cent. Third: until September 30, 1842, the duties imposed by existing laws as modified by this bill should continue to be collected, and after that date all duties should be "laid for the purpose of raising such revenue as may be necessary to an economical administration of the government," should be uniform, at the rate of 20 per cent. on all articles save those free of duty, and should be collected in ready money. Fourth: after September, 1833, several articles were to be free, and in 1842 a long list of articles was to be admitted free.*

Forsyth objected that the object of this bill was to raise revenue and that therefore it could not originate in the Senate,† but Clay silenced opposition by assuring the Senate that the intent of his bill was not to reduce but to raise revenue and therefore permission to introduce it was given.‡ Debate on the Force Bill was then resumed, the general discussion continuing for some time, after which the Senate began to amend the bill by striking out and adding phrases here and there. On February 15 and 16 Calhoun explained the bill section by section, making a speech which lasted the greater part of two days,‖ but his speech was disappointing to his friends§ and was quite effectively answered the next day by Webster in a speech he called "The Constitution Not a Compact between Sovereign States."¶ On February 20, 1833,

* *Register of Debates*, vol. ix., pt. i., pp. 462–474, 481; Benton, *Abridgment*, vol. xii., pp. 81–84; Schurz, *Life of Clay*, vol. ii., pp. 9–10; Clay, *Life of Clay*, p. 209; Peck, *The Jacksonian Epoch*, p. 203; *Niles' Register*, vol. xliii., p. 411.

* Stanwood, *Tariff Controversies*, vol. i., p. 398.

† *Register of Debates*, vol. ix., pt. i., p. 473.

‡ *Ibid*, pp. 480–481.

‖ See *Ibid*, pp. 519–553; Benton, *Abridgment*, vol. xii., pp. 91–100. See also Calhoun's *Works* (ed. 1853), vol. ii., pp. 197-309; Jenkins, *Life of Calhoun*, pp. 251–300. For a resumé of his arguments see Stanwood, *Tariff Controversies*, vol. i., p. 398 *et seq.;* Rhodes, *United States*, vol. i., pp. 50–51; Von Holst, *Constitutional and Political History*, vol. i., p. 487 *et seq.*

§ Pinckney, however (*Life of Calhoun*, p. 60 *et seq.*), thinks it the greatest speech of his career.

¶ See his *Works* (ed. 1857), vol. iii., pp. 448–505; *Register of Debates*, vol. ix., pt. i., pp. 553–587; Benton, *Abridgment*, vol. xii., pp. 100–110. See also Curtis, *Life of Webster*, vol. i., p. 450 *et seq.;* Lodge, *Life of Webster*, pp. 213–218 *et*

when the vote was taken, 32 Senators answered yea, but only one (John Tyler, of Virginia) answered in the negative, for all opposed to the measure made haste to leave the chamber.* The tariff bill submitted by Clay was then taken under consideration, but a number of the Senators, including Webster and Benton, denied that the Senate possessed the constitutional right to originate such a bill, and therefore would not give it their votes.† Clay, however, had provided for this emergency.

In his message at the beginning of the session the President had urged upon Congress the necessity of revising the tariff, both for the purpose of adapting the revenue to the expenditures, to limit the protection afforded by the imposts to any branch of National industry so that it should not exceed what might be necessary to counteract the regulations of the other nations and to secure "a supply of those articles of manufacture essential to the national independence and safety in time of war." He said that the perpetual protection secured by the tariff of high duties imposed for that special object had scarcely entered the minds of American statesmen. "The most they have anticipated is a temporary and, generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget in the minds of a large portion of the countrymen a spirit of discontent and jealousy dangerous to the stability of the Union."* Therefore, early in the session, the House took the matter under consideration and referred that part of the President's message to the Committee of Ways and Means. On December 27 the committee reported a tariff bill through Gulian C. Verplanck, of New York, which was known to be an Administration measure, having the approval of the Secretary of the Treasury.†

The bill proposed a diminution of the duties on all protected articles, but left from 15 to 20 per cent. for

seq.; McMaster, *Life of Webster*, pp. 210–216; Rhodes, *United States*, vol. i., pp. 51–52. Curtis (*Constitutional History of the United States*, vol. ii., p. 17) calls this the best and clearest exposition of the Constitution as a fundamental law, in opposition to the doctrine of compact between sovereignties, that Webster has left us.

* *Register of Debates*, vol. ix., pt. i., p. 688; Schouler, *United States*, vol. iv., p. 103; Sumner, (*Life of Jackson*, p. 289) gives the vote 32 to 8. This, however, was on the question of passing the bill to a third reading.

† Stanwood, *Tariff Controversies*, vol. i., pp. 402–406; Curtis, *Life of Webster*, vol. i., pp. 452–453. For the debate, see *Register of Debates*, vol. ix., pt. i., pp. 690–750; Benton, *Abridgment*, vol. xii., pp. 111–120.

* Richardson, *Messages and Papers*, vol. ii., p. 598.

† For text of bill and report, see *Register of Debates*, vol. ix., pt. i., pp. 958–962, pt. ii., app., pp. 39–41.

protective purposes.* In the act of 1832 the duty on wool costing more than 32 cents was 4 cents per pound and 40 per cent. *ad valorem,* but in the new bill was to be 35 per cent., without a specific duty, until March of 1834; was to be 25 per cent. for the next year; and after March 2, 1835, was to be 20 per cent. All duty on woolen manufactures was reduced from 50 per cent. to 40 per cent. for one year, 30 per cent. for the next year, and thenceforth 20 per cent. Cotton goods were to be cut down to 20 per cent., and the minimum was to be abolished after 1834. The duty on iron and its manufactures was to be reduced after one year by 20 per cent.; and the rates on sugar, molasses, salt, hemp, cordage and some other articles were reduced.†

Nothing could induce the House to act promptly. January passed in tedious debate on the Verplanck bill,‡ and February was almost gone when, on February 25, Robert P. Letcher, of Kentucky, suddenly and without giving previous notice of his intention, moved that all of the Verplanck bill save the enacting clause be stricken out and that Clay's compromise measure be inserted instead.* This took the representatives of the Northern manufacturing districts completely by surprise, but they protested in vain. Under the lead of Letcher, the House majority quickly consummated the business by recommitting the pending bill to the Committee of the Whole, with instructions to report the compromise measure in place of the Verplanck bill.† This was done by a vote of 105 to 71. Clay's bill was ordered to be engrossed for a third reading on the following day.‡ This was done and the bill was passed on February 26 by a vote of 119 to 85.‖ It was then sent to the Senate, which body laid Clay's bill on the table and on March 1 passed the House bill by a vote of 29 to 16.§ On the following day the bill received the approval of the President.¶ The compromise tariff bill provided that at the end of the year then current all *ad valorem* duties of more than 20 per cent. should be reduced one-tenth, and at the end of each alternate year until

* *Niles' Register,* vol. xliii., pp. 290–291, 305–307; Bishop, *History of Manufactures,* vol. ii., pp. 373–374; Schouler, *United States,* vol. iv., p. 96.

† Stanwood, *Tariff Controversies,* vol. i., p. 391 *et seq.*

‡ For the debate, see *Register of Debates,* vol. ix., pt. i., pp. 948–950, 958–998, 1022–1082, 1089–1263, 1273–1311, pt. ii., pp. 1313–1522, 1529–1564, 1573–1575, 1579–1664, 1681, 1688–1707, 1728–1743, 1748–1755, 1761; Benton, *Abridgment,* vol. xii., pp. 133–166.

* Parton, *Life of Jackson,* vol. iii., p. 481.

† Schouler, *United States,* vol. iv., p. 107.

‡ *Register of Debates,* vol. ix., pt. ii., pp. 1772–1780.

‖ *Register of Debates,* vol. ix., pt. ii., pp. 1780–1811; Benton, *Abridgment,* vol. xii., pp. 175–181; Von Holst, *Constitutional and Political History,* vol. i., pp. 496–499; Schurz, *Life of Clay,* vol. ii., pp. 14–19.

§ *Register of Debates,* vol. ix., pt. i., pp. 785–808; Benton, *Abridgment,* vol. xii., pp. 120–123.

¶ Stanwood, *Tariff Controversies,* vol. i., pp. 406–410; Peck, *The Jacksonian Epoch,* pp. 209–210. For Benton's secret history of the Compromise of 1833, see his *Thirty Years' View,* vol. i., pp. 342–344.

1839 the present excess above 20 per cent. was to be cut down one-tenth. One-half of the remaining excess was to be taken off at the end of 1841, and the other half at the end of June of 1842, thus leaving a maximum of 20 per cent.* The bill provided also for the abolition of credit for duties and the assessment of the value of imports at the port of entry or home valuation after June 30, 1842.† On the same day that the Senate passed the compromise tariff bill the House passed the Force Act by a vote of 149 to 48.‡ Both bills received the President's approval on the same day (March 2).‖

Thus South Carolina had triumphed.§ The fate of the two bills, the one to gratify the North and the other to appease the South, had been watched with deep interest by the whole country, and now that they had become laws they received both denunciation and praise.* Meanwhile the other States had taken action on the nullification ordinance.† During January and February of 1833 many State legislatures had passed reports and resolutions, denouncing South Carolina and upholding Jackson. Massachusetts, Maryland, Ohio and Mississippi opposed the call of South Carolina for a convention of the States to settle this dispute between her and the general government. Maine, New Hampshire, New York, New Jersey, Delaware, North Carolina, Ohio, Indiana, Mississippi and Pennsylvania denounced nullification as a pernicious doctrine, and declared that the Constitution is not a compact or league, but a form of government; that no State had the right to withdraw from the Union; and that the Constitution did not authorize any State to annul

* Taussig, *Tariff History*, pp. 110–111.

† Bishop, *History of Manufactures*, vol. ii., pp. 374–375.

‡ For the debate see *Register of Debates*, vol. ix., pt. ii., pp. 1766–1772, 1811, 1817–1898, 1903; Benton, *Abridgment*, vol. xii., pp. 168–174, 182–191.

‖ The text of the tariff and force acts will be found in *Register of Debates*, vol. ix., pt. ii., app., pp. 10–14; *United States Statutes-at-Large*, vol. iv., pp. 632–635; *Niles' Register*, vol. xliii., sup., p. 46; MacDonald, *Select Documents*, pp. 284–289. In general see also Benton, *Thirty Years' View*, vol. i., chaps. lxxx.–lxxxvi., Curtis, *Webster*, vol. l., chap. xix.; Tyler, *Life and Times of the Tylers*, vol. i., chap. xiv.; Thompson, *History of Protective Tariff Laws*, chaps. xxix.–xxx.

§ Benton said: "A compromise made with a state in arms is a capitulation to that State. * * * The injury was great then, and a permanent evil example. It remitted the government to the condition of the old confederation, acting upon sovereignties instead of individuals. It violated the feature of our Union which discriminated it from all confederacies that ever existed, and which was wisely and patriotically put into the Constitution to save it from the fate which had attended all confederacies, ancient and modern. * * * The framers of our Constitution established a Union instead of a League — to be sovereign and independent within its sphere, acting upon persons through its own laws and courts, instead of acting on communities through persuasion or force. The effect of this compromise legislation was to destroy this great feature of our Union — to bring the general and state governments into conflict — and to substitute a sovereign state for an offending individual as often as a state chose to make the cause of that individual her own."— Roosevelt, *Life of Benton*, pp. 108–109.

* For details see McMaster, vol. vi., pp. 168–170.

† See Sumner, *Life of Jackson*, pp. 287–288.

a law of Congress.* Virginia sent a commissioner, Benjamin W. Leigh, to South Carolina to urge the State to repeal, or at least to suspend, the ordinance until the close of the first session of the Twenty-Third Congress.† Leigh set off immediately but while on his way to Charleston two vessels had reached port that day (February 1) and were taken possession of by the United States revenue cutter, for the ordinance was still supposed to be in force. The act had been suspended until March 3 by a mass meeting of nullifiers held at Charleston on January 21, 1833. Lieutenant-Governor Charles C. Pinckney presided over the meeting and Ex-Governor Hamilton moved a set of resolutions which the meeting adopted. These resolutions declared that Jackson's claims of power as set forth in his proclamation were contrary to the Constitution; that the citizens viewed with abhorrence the doctrine that no State could peaceably leave the Union; that the threats of military coërcion had aroused indignation throughout the State; and that the concentration of military and naval forces on the frontier and in the harbors in the State had caused great excitement. Nevertheless, as Congress was exhibiting moderation and as this moderation should be met with a like disposition on the part of the State, it was declared to be "the sense of this meeting that * * * all occasion for collision between the federal and state authorities should be sedulously avoided on both sides."* The plans of the nullifiers were completely changed by the arrival of Mr. Leigh. They had not intended to make a prompt and explicit answer to Virginia, and not until Leigh pressed for an answer did they promise to assemble the nullification convention immediately after the adjournment of Congress. In the event of the enactment of the Force Bill and the refusal to revise the tariff, it was stated that the nullifiers would continue their work, but if the tariff bill were passed, the nullifiers would listen to the appeal of Virginia.

True to their promise, after the Force Bill and the tariff bill had become law, the leaders of the nullifiers called for a meeting of the convention on March 11.† Poinsett urged the Union members not to attend and convoked the Union party convention for March 18 at Charleston, but before the delegates arrived the meeting was postponed, as the nullifica-

* McMaster, vol. vi., p. 170. Schouler (*United States*, vol. iv., pp. 99–100) states the facts a little differently.

† Ames, *State Documents on Federal Relations*, no. iv., pp. 53–56; *Niles' Register*, vol. xliii., pp. 434–436. McLaughlin (*Life of Cass*, p. 146) says there is good reason to believe that the action of Virginia was the result of a letter written by Cass which appeared in the *Richmond Enquirer*, December 13, 1832. See also Hunt, *Life of Calhoun*, pp. 188–189; Jervey, *Robert Y. Hayne and His Times*, pp. 345–346.

* *Niles' Register*, vol. xliii., pp. 380–382; Houston, *Nullification in South Carolina*, pp. 122–123.

† *Niles' Register*, vol. xliv., p. 4.

tion convention at Columbia (March 15 by a vote of 153 to 4) had repealed the ordinance, and all laws relating to it, save the militia act, had nullified the Force Act (March 18 by a vote of 132 to 19) and adjourned.*

Before the nullification convention adjourned the second time it referred the question of an oath of allegiance to the legislature. The Union men protested that, if the legislature passed a new oath of office, made a new treason law, and declared what allegiance meant, the Union party must fight, quit the State or become vassals of the nullifiers, for the test oath was clearly intended to proscribe Union men, and they could not call themselves free men and submit to it. Nevertheless, at the session beginning in December of 1833, the legislature enacted a law requiring all military officers within 30 days after their election to swear that they would bear true allegiance to the State.* The legislature also amended the State constitution by adopting an act prescribing a new oath of office. But the militia law was declared unconstitutional by the court of appeals, and the Union party issued memorials remonstrating against the passage of the amendment. When the legislature met in November of 1834 these memorials were referred to a joint committee on Federal relations. The report rendered by this committee convinced the Union members who at once abandoned all opposition, voted to accept the report, and withdrew their protest. This closed the nullification controversy, and cordial relations between the men of all parties was restored.

APPENDIX TO CHAPTER V.

THE SOUTH CAROLINA ORDINANCE OF NULLIFICATION.

An Ordinance to Nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities.

Whereas the Congress of the United States, by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the Constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution, which provides for equality in imposing the

* *Niles' Register*, vol. xliv., pp. 55–58, 71–75, 86–90, 106–107; Houston, *Nullification in South Carolina*, pp. 130–132, 149–150; Hunt, *Life of Calhoun*, pp. 189–193; Jervey, *Robert Y. Hayne and His Times*, pp. 352–353; Sumner, *Life of Jackson*, p. 290. Curtis (*Life of Webster*, vol. i., p. 456) says that the ordinance was never formally revoked, but the fact that the repeal was signed only by the president and secretary of the convention does not justify that assertion.

* Hunt, *Life of Calhoun*, p. 194; *Niles' Register*, vol. xlv., p. 267.

burthens of taxation upon the several States and portions of the confederacy: And whereas the said Congress, exceeding its just powers to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the Constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue for objects unauthorized by the Constitution:

We, therefore, the people of the State of South Carolina in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and, more especially, an act entitled "An act in alteration of the several acts imposing duties on imports," approved on the nineteenth day of May, one thousand eight hundred and twenty-eight, and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

And it is further ordained, that it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of this State, from and after the first day of February next, and the duty of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined, to obey and give effect to this ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto.

And it is further ordained, that in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and if any such appeal shall be attempted to be taken, the courts of this State shall proceed to execute and enforce their judgments, according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the court.

And it is further ordained, that all persons bow [now] holding any office of honor, profit, or trust, civil or military, under this State (members of the Legislature excepted) shall, within such time, and in such manner as the Legislature shall prescibe, take an oath well and truly, to obey, execute, and enforce, this ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military (members of the Legislature excepted) shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be empanelled in any of the courts of this State, in any cause in which shall be in question this ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the Legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this, our ordinance and declaration, at

every hazard, do further declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience; but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constitutional authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government, to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligations to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do.

Done in Convention at Columbia, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the declaration of the independence of the United States of America.

CHAPTER VI.

1832–1834.

THE DEPOSITS, THE PANIC OF 1834 AND THE CURRENCY.

The Bank's insidious use of its funds — Its request for a postponement of payment — Jackson's decision to remove the deposits — His message of December 4, 1832 — The reports rendered to that body — Jackson's consultation with the Cabinet — Duane's refusal to remove the deposits and his dismissal — The panic — Jackson's message to the Twenty-Third Congress — His refusal to submit the Cabinet paper — The debate on public distress — Jackson's interviews with delegations — The resolutions of censure — Jackson's protest and the refusal of Congress to receive it — Refusal of Congress to confirm Jackson's Bank nominations — The currency acts of 1834 — The change in the ratio of coinage.

The Twenty-Second Congress expired on March 2, 1833, when, too, President Jackson's first term of office ended. In the preceding autumn, as we have seen, he had been reëlected by a large vote, which clearly demonstrated that the democracy of the Nation heartily endorsed his views and policies. On March 4, inaugurated for the second time, Jackson delivered his second inaugural address,* and again took the oath of office.* During the summer he made a tour through the Middle and Eastern States and was much gratified by the general tribute paid him and his principles, which he interpreted as another indication of the popularity of the various measures he advocated.‡

The result of the election left no hope that the United States Bank would receive a new charter. The

* For which see Richardson, *Messages and Papers*, vol. iii., pp. 3–5; *Niles' Register*, vol. xliv., pp. 21–22.

* Schouler (*United States*, vol. iv., pp. 114–117) gives a short description of Jackson's personal appearance at this time.

† Peck, *The Jacksonian Epoch*, p. 215; Quincy, *Figures of the Past*, p. 352.

old charter had only three years more to run, and it was supposed that the subject of renewal would be dropped. But Jackson had been thoroughly aroused by the course pursued by the Bank since it took on more or less of a personal nature. By a secret note of its directors the Bank had set aside an indefinite sum for insidious uses and placed the management of the campaign for recharter in the hands of the astute president, Nicholas Biddle. Much of this money was used to circumvent Jackson's reëlection, besides which the Bank proved by its actions that it meant to fight for its life. Instead of contracting loans and preparing to wind up its affairs like a concern that intends to expire decently, it was extending its operations and was making friends everywhere possible among Congressmen and influential persons. Jackson interpreted this as meaning that the struggle for recharter would be renewed, and that there would be no safety for the Republic until the monster monopoly was prostate.*

During the summer of 1832 an event occurred which afforded Jackson an excellent excuse to make a new attack. On March 24, 1832, Asbury Dickins, Acting Secretary of the Treasury, notified Biddle that on July following $6,000,000 of the 3 per cent. loan of 1792 would be paid with money deposited in the Bank. As this money had been loaned to customers in the course of business, Biddle besought the Secretary to postpone payment,* for if the Bank were compelled to call in its loans in order to meet the payment of the debt, the prevailing distress would be greatly increased. The Secretary thereupon agreed to postpone the draft until October 1, provided the Bank paid the three months' interest.† Biddle then sent an agent to England, where, with the aid of Baring Bros. & Co., an agreement was reached with foreign holders of nearly $3,000,000 of the 3 per cents. not to present their certificates for payment until six, nine, or twelve months after October 1, 1832, in return for which indulgence the Bank agreed to pay them 4 per cent. interest.‡ Those who rejected this proposition sold their certificates to Baring Bros. who agreed to hold them for the Bank.‖ The publication of this agreement with the Barings convinced Jackson that the Bank was unsound and needed time in which to meet its obligations.§ Believing it could no longer be trusted with Government funds, Jackson came to the conclusion that the Government deposits must be removed, but did not wish to take the responsibility for doing it. In his message

* Schouler, *United States*, vol. iv., pp. 137–138.

* Parton, *Life of Jackson*, vol. iii., p. 496–497.

† Sumner, *History of American Currency*, pp. 97–98.

‡ Sumner, *Life of Jackson*, pp. 291–292; White, *Money and Banking*, pp. 298–299.

‖ For the correspondence see *House Ex. Doc.* 9, 22d Congress, 2d session; *Register of Debates*, vol. ix., pt. ii., app., pp. 103–108.

§ White, *Money and Banking*, p. 301; Parton, *Life of Jackson*, vol. iii., p. 498.

of December 4, 1832, therefore, he said:

"In conformity with principles heretofore explained, and with the hope of reducing the General Government to that simple machine which the constitution created, and of withdrawing from the States all other influence than that of its universal beneficence in preserving peace, affording an uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging, unfelt, its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the General or State Governments, and placing the proceeds in the Treasury. As a source of profit, these stocks are of little or no value; as a means of influence among the States, they are adverse to the purity of our institutions. The whole principle on which they are based, is deemed by many unconstitutional, and, to persist in the policy which they indicate, is considered wholly inexpedient.

"It is my duty to acquaint you with an arrangement made by the Bank of the United States with a portion of the holders of the three per cent. stock, by which the Government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the Secretary of the Treasury, a surrender of the certificates of this stock may be postponed until October, 1833, and thus the liability of the Government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

"Such measures as are within the reach of the Secretary of the Treasury have been taken to enable him to judge whether the public deposites in that institution may be regarded as entirely safe; but, as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people." *

This part of the message was referred to the Committee of Ways and Means, which, on February 13, 1833, reported a bill through James K. Polk, authorizing the sale of the bank stock held by the United States.* This measure was rejected at the first reading, though by a small majority, the vote standing 102 against 91.† On March 1 two other reports came down from the same committee; that from the majority being submitted by Verplanck, of New York, together with a resolution declaring that the deposits might be safely continued in the Bank,‡ while that from the minority submitted by Polk declared that the action of the Bank in the matter of the 3 per cents. proved that there was good ground to doubt the safety of the deposits.|| Again the friends of the Bank came to its aid by adopting the first report on March 2 by a vote of 109 to 46.§ The adoption of this report by so large a majority merely convinced Jackson's friends of the corrupting influence of the Bank and confirmed their opinion that there was every reason to diminish

* Richardson, *Messages and Papers*, vol. ii., pp. 599–600; *House Journal*, 22d Congress, 2d session, pp. 15–16.

* *Register of Debates*, vol. ix., pt. ii., p. 1707; Benton, *Abridgment*, vol. xii., p. 167.

† *Register of Debates*, vol. ix., pt. ii., p. 1722; Sumner, *Life of Jackson*, p. 292.

‡ See *House Report* 121, 22d Congress, 2d session; *Register of Debates*, vol. ix., pt. ii., pp. 1898–1902, and app., pp. 64–66.

|| *House Report* 121, 22d Congress, 2d session. See also *Register of Debates*, vol. ix., pt. ii., app., pp. 66–85.

§ *Register of Debates*, vol. ix., pt. ii., pp. 1922–1936; Benton, *Abridgment*, vol. xii., p. 191; *Niles' Register*, vol. xliv., pp. 108–112; Dewey, *Financial History*, pp. 204–205; White, *Money and Banking*, p. 301.

its power. Jackson thought that if the Bank were permitted to retain the public money, it would use these funds corruptly to secure a re-charter over the veto, even if it had to bribe all Congress.* Jackson was now warned that to remove all the Government deposits from the Bank would only win public sympathy for that institution and give it just cause for complaint.† The best plan would be to leave the Government funds in the Bank for the present, to order future receipts from all sources to be deposited in the State banks, and then to use the deposits in the National Bank to pay current expenses of the Government.

By this time Jackson had decided that the deposits should be removed, but thought that he ought first to submit the matter formally to the cabinet. Secretary of the Treasury McLane considered a removal of the deposits unnecessary before the expiration of the charter. Barry said that the deposits ought to be removed gradually, beginning at once. Taney thought that the Bank was not to be trusted and that the deposits should be removed at the earliest possible moment.‡ In order to ensure removal, it was necessary to secure the consent of the Secretary of the Treasury, who alone could issue the order. McLane refused to do this, however, and, to accomplish the desired object, Jackson determined to reorganize the Cabinet. He transferred McLane to the State Department, Livingston having been appointed minister to France, and William J. Duane, of Pennsylvania, was handed the Treasury portfolio.* Duane claims that he had heard nothing regarding the removal of the deposits prior to assuming office, but that, two days after this, Jackson told him he contemplated removing the deposits and that, the question being submitted to the Cabinet, two members favored and two opposed the project. The fifth member had not yet been heard from. Jackson desired that the Secretary of the Treasury would fully and frankly state his views in the matter. On July 10 Duane gave his opinion† discussing exhaustively every pertinent question‡ without deciding, however, whether the deposits should be withdrawn immediately or on January 1, when he thought the fiscal year began. Nevertheless, after receiving a letter from Taney (dated August 5, 1833), urging him to remove the deposits before the meeting of Congress in December,‖ Jackson determined to remove the deposits at once, and wrote to Taney that if Duane would not agree to make the removal immediately, the sooner he

* Sumner, *Life of Jackson*, pp. 298–299; Schouler, *United States*, vol. iv., p. 139.

† Catterall, *The Second Bank*, p. 291.

‡ McMaster, vol. vi., pp. 186–187.

* Dewey, *Financial History*, p. 205; *Life of Jackson*, vol. iii., p. 508 *et seq.*

† White, *Money and Banking*, pp. 304–305; Parton, *Life of Jackson*, vol. iii., p. 517 *et seq.*

‡ Von Holst, *Constitutional and Political History*, vol. ii., p. 53.

‖ Samuel Tyler, *Memoir of Roger Brooke Taney*, p. 195.

resigned the better. The President then called his Cabinet together on September 18 and laid before it a paper setting forth his views on the question at issue.* He said that his contention that the Bank was unconstitutional had been vindicated by his reëlection to the Presidency, but that the chief measure to be considered was the manner in which the deposits should be removed and how the services rendered by the Bank were to be performed after its charter expired. As far as the first question was concerned, the President possessed power to decide how long the Bank should continue to be the depository for the public money. As the Bank had used all its vast resources to undermine the influence of the Government, he thought that it should no longer have the use of Government money. "Under these convictions" Jackson felt "that a measure so important to the American people cannot be commenced too soon; and he therefore names the first day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made."† On finishing the reading, Jackson replied that it was, and on his own responsibility.* On September 20 the *Globe*, the Administration paper, stated that it was authorized to say that Government deposits would thenceforth be made with State banks instead of the United States Bank.† Duane protested against this semi-official announcement and on the 21st sent the President a refusal to remove the deposits or voluntarily to give up his position, since in his opinion the discretion in the matter of removing the deposits belonged to him and he did not approve such a course.‡ He said that he would remove the deposits if Congress directed him to do so, but otherwise he would neither aid nor assist, nor in any way participate in their removal, and resented Jackson's interference with the powers and duties of the Secretary.‖ Accordingly, upon his refusal to do as the President directed, Duane was dismissed on September 23 and Attorney-General Roger B. Taney appointed in his place.§

* Tyler (*Memoir of Taney*, p. 204) says this was prepared by Taney.

† For text of the paper see Richardson, *Messages and Papers*, vol. iii., pp. 5–19; *Niles' Register*, vol. xlv., pp. 73–77; *Congressional Globe*, vol. i., pp. 59–62 (1833–1835); *Register of Debates*, vol. x., pt. iv., app., pp. 284–289; and the excerpts in MacDonald, *Select Documents*, pp. 289–295.

* Sumner, *Life of Jackson*, pp. 302, 303; Schouler, *United States*, vol. iv., pp. 144–145; Parton, *Life of Jackson*, p. 528.

† *Niles' Register*, vol. xlv., p. 237.

‡ For the correspondence see *Niles' Register*, vol. xlv., pp. 236–239. See also White, *Money and Banking*, p. 305; Schurz, *Life of Clay*, vol. ii., pp. 26–28.

‖ See the conversation as given by Duane quoted in Brady, *The True Andrew Jackson*, pp. 354–357; Parton, *Life of Jackson*, vol. iii., p. 528 *et seq.* See also Duane, *Narrative and Correspondence concerning the removal of the deposits and occurrences connected therewith* (Philadelphia, 1838), and the correspondence in *Register of Debates*, vol. x., pt. iv., app., pp. 305–309.

§ Tyler, *Memoir of Taney*, chap. iii.; Parton, *Life of Jackson*, vol. iii., chaps. xxxvi.–xxxvii.; Benton, *Thirty Years' View*, vol. i., chap. xcii.–

At this time $9,891,767 of public money was deposited in the Bank, all of which might be withdrawn at any moment and much of which was sure to be used in a very short time to meet the current expenses of the Government. Knowing this, the bank was forced to curtail its loans to the extent of $7,000,000,* and could not use any of the public deposits for the benefit of the commercial community. As a result, money became scarce, discounts rose rapidly, and many business houses were sent to the wall. Exchange which usually could be made at ½ per cent. could now be affected only with the greatest difficulty at 2 per cent. The discount on notes was often as high as 18 per cent. A number of State banks announced that they would make no further loans or discount notes until suitable arrangements could be made to meet the demands of the Bank of the United States. Thereupon the presidents of the city banks besought Congress to restore the deposits to the Bank of the United States. They said that monetary operations in the commercial cities were almost at a standstill, the circulating medium was becoming depreciated, and unless something were done to remedy conditions, a suspension of specie payment was not unlikely. This had been caused by the withdrawal of public deposits from the Bank of the United States on October 1, wherefore they prayed that the deposits be restored.*

The first session of the Twenty-Third Congress convened on December 2, 1833, when the panic seemed to be at its height. Andrew Stevenson, an Administration man, was reëlected Speaker of the House by a large majority,† but in the Senate the Administration party was in the minority. In his annual message‡ the President denied that his acts had caused the panic, saying that the Bank had been endeavoring to embarrass a part of the community and to create a panic for the purpose of extracting a new charter from Congress. Actually, however, Jackson declared, no panic existed, and were it not for the fact that the charter would expire before a decision could be had from the court of last resort, he would "put an end to the charter rights which the bank had so palpably violated" by a *scire facias*.

The principal business of the session was necessarily concerned with the removal of the deposits. The op-

cii.; Schouler, *United States*, vol. iv., p. 145; White, *Money and Banking*, pp. 298–310; Dewey, *Financial History*, p. 206; Peck, *The Jacksonian Epoch*, pp. 219–221. Subsequently the Senate refused to confirm Taney and Levi Woodbury was appointed and confirmed. See Schouler, *United States*, vol. iv., pp. 169–170.

* See the table in Parton, *Life of Jackson*, vol. iii., p. 535.

* McMaster, vol. vi., pp. 193–195.

† Schouler, *United States*, vol. iv., p. 154; *Niles' Register*, vol. xlv., p. 230.

‡ For which see Richardson, *Messages and Papers*, vol. iii., pp. 19–35; *Register of Debates*, vol. x., pt. iv., app., pp. 1–7; Benton, *Abridgment*, vol. xii., pp. 194–201; *Senate* and *House Journals*, 23d Congress, 1st session; *Niles' Register*, vol. xlv., pp. 231–235 and the excerpts in MacDonald, *Select Documents*, pp. 300–303.

position strongly attacked the measures of Jackson in this respect. Early in the session the Senate called for the report of the Secretary of the Treasury, which but rehearsed the old charges and justified the President's conduct on the ground that he did not suppose the charter of the Bank could be renewed. Jackson added that the conduct of the Bank had made its removal necessary and that the Secretary alone had the right to issue the order for such removal.* Considering this report inadequate to a discussion of the subject, as it seemed a waste of time to discuss the action of the Secretary when the President was the real offender, and, moreover, as Taney's report of December 4 was only a repetition of the paper which Jackson had read to the Cabinet on September 18,† the Senate, on December 11, by a vote of 23 to 18, passed the following resolution which had been introduced by Clay the day before:

"*Resolved,* That the President be requested to send to the Senate a copy of the paper which has been published, and which purports to have been read by him to the heads of the executive departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its officers." ‡

The President, however, declined to comply with the request, saying: "The executive is a coördinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of the departments, acting as a Cabinet council."* On December 26 Clay introduced two resolutions. The first declared that by dismissing one Secretary of the Treasury who would not remove the deposits and appointing another who did remove them, the President had exercised power not granted him by the Constitution and laws. The second asserted that the reasons given by Taney for removing the deposits were unsatisfactory and insufficient.† In making the opening speech on this subject,‡ Clay started a debate which,

* *Senate Doc.* 2, *House Ex. Doc.* 2, 23d Congress, 1st session; *Register of Debates*, vol. x., pt. iv., pp. 59–77, 98–101; *Niles' Register*, vol. xlv., pp. 258–264. See also Sumner, *Life of Jackson*, pp. 308–309; Von Holst, *Constitutional and Political History*, vol. ii., p. 55 *et seq.*

† Von Holst, *Constitutional and Political History*, vol. ii., p. 65.

‡ Peck, *The Jacksonian Epoch*, pp. 221–222; *Niles' Register*, vol. xlv., p. 247; Schouler, *United States*, vol. iv., p. 159; White, *Money and Banking*, p. 307; Schurz, *Life of Clay*, vol. ii., p. 30; Clay, *Life of Clay*, p. 223. For the debate see *Register of Debates*, vol. x., pt. i., pp. 25–37.

* Richardson, *Messages and Papers*, vol. iii., p. 36; *Register of Debates*, vol. x., pt. i., p. 37. See also Parton, *Life of Jackson*, vol. iii., p. 539.

† Schurz, *Life of Clay*, vol. ii., p. 31; Peck, *The Jacksonian Epoch*, pp. 224–225; Sumner, *Life of Jackson*, pp. 310–311; Curtis, *Life of Webster*, vol. i., p. 480; Parton, *Life of Jackson*, vol. iii., p. 541.

‡ See *Niles' Register*, vol. xlv., pp. 349–360; *Register of Debates*, vol. x., pt. i., pp. 58–94; Benton, *Abridgment*, vol. xii., pp. 208–216. For a resumé of Clay's speech see Schurz, *Life of Clay*, vol. ii., p. 32 *et seq.*; *The Jacksonian Epoch*, p. 225 *et seq.*

with a few interruptions, continued for the next three months.*

With this debate on the bank came another regarding the reality of public distress. On January 13, 1834, Clay introduced a resolution proposing that the committee on Finance inquire into the expediency of relieving temporarily the present pecuniary embarrassments by extending the time of payment of the revenue bonds as they fell due.† Four months prior to this time, he said, the country had been in a flourishing condition, but at the present time the prices of all classes of merchandise had declined and would continue to do so if no remedy were quickly provided.‡ In answer, Ether Shepley, of Maine, said that there was no great distress in the country and that such as was complained of was merely imaginary, being felt nowhere save in chambers of commerce, among bankers, and among such interests as the action of the banks controlled.|| In presenting a memorial from Boston on January 20, Webster said, however, that there was plenty of evidence to prove that the country was in the throes of a panic. Interest had risen to 12 per cent., while a few months previous it had been but 6; stocks had been depressed anywhere from 10 to 30 per cent.; public works had been stopped; private undertakings had been abandoned; and the wages of the working class had been greatly lowered.*

While this contest was in progress in the National legislature, the people throughout the Union held meetings, petitioned Congress, and sent committees to the President to represent their distress and beg for relief. Never before had Congress been so beset with petitions and memorials, more than 600 of them reaching each House. Many of these cited a number of failures which had occurred in the immediate vicinity and suggested various measures for relief.† As the session advanced, this popular pressure on the Executive and Congress greatly increased. The Senate willingly received the petitions, but the House, dominated by the President's supporters, rather disliked them. For a while Jackson received the various delegations with that courtesy for which he was noted, but soon began to lecture them and finally refused to give them audience.‡ It was reported that during these interviews the President would burst forth into angry remonstrances and harangue the dele-

* These debates cover so many hundreds of pages in the *Register of Debates*, vol. x., and in Benton's *Abridgment*, vol. vii., that specific folios will be cited only in a few instances.

† *Register of Debates*, vol. x., pt. i., p. 223.

‡ Schouler, *United States*, vol. iv., p. 165.

|| *Register of Debates*, vol. x., pt. i., p. 225.

* *Register of Debates*, p. 292. See also p. 338.

† Roosevelt, *Life of Benton*, p. 133; Parton, *Life of Jackson*, vol. iii., p. 546. Many of these will be found in *Niles' Register*, vols. xlv. and xlvi., *passim*, and the debates in *Register of Debates*, vol. x., pts. i.–ii., *passim*.

‡ Schouler, *United States*, vol. iv., pp. 163–165. One of these meetings is described in *Niles' Register*, vol. xlvi., pp. 8–10.

gations in unseemly language,* setting forth his side of the controversy and refusing to listen to any words suggesting that there was another.†

On February 5, while the debate provoked by the presentation of petitions was in progress, Webster handed down a report from the Committee on Finance, recommending that Clay's second resolution be adopted.‡ On March 28, after a long discussion, it was adopted by a vote of 28 to 18.‖ Clay then changed his first resolution to read as follows: "*Resolved,* That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."* This resolution was adopted on March 28 by a vote of 26 to 20.† Jackson's wrath on reading the second resolution can well be imagined. On April 17 he sent a long protest to the Senate (dated April 15) denying the right of that body to censure his proceedings, defending his order for the removal of the deposits, and denouncing the Senators who had voted for the resolution.‡ He argued that as President he was a direct representative of the whole people, vested with all executive power, and responsible for the actions of the executive department; that if the Senate were permitted to continue censuring the official conduct of the Executive, the real power would be taken from his hands and placed in those of men holding offices for long terms and neither elected by nor directly responsible to the people.‖ Much excitement was caused by the reading of this protest in the Senate, after which George Poindexter, of Mississippi, moved that the message

* According to the report of the New York Committee, Jackson said: "Why am I teased with committees? Here I am receiving two or three anonymous letters every day, threatening me with assassination if I don't restore the deposits and recharter the bank — the abominable institution — the monster that has grown up out of circumstances and has attempted to control the Government. I've got my foot upon it and I'll crush it. * * * Am I to violate my constitutional oath? Is it to be expected that I am to be turned from my purpose? Is Andrew Jackson to bow the knee to the golden calf as did the Israelites of old? I tell you, if you want relief, go to Nicholas Biddle. * * * I would rather undergo the tortures of ten Spanish inquisitions than that the deposits should be restored or the monster be rechartered." — *Register of Debates,* vol. x., pt. iii., p. 3072 *et seq.*

† McMaster, vol. vi., pp. 200–204; Parton, *Life of Jackson,* vol. iii., pp. 548–553.

‡ *Register of Debates,* vol. x., pt. iv., app., pp. 146–156. *Niles' Register,* vol. xlv., pp. 418–424. Webster's *Works,* (1857) vol. iv., pp. 50–81. See also Curtis, *Life of Webster,* vol. l., pp. 484–485; Schouler, *United States,* vol. iv., p. 167.

‖ *Niles' Register,* vol. xlvi., p. 88; *Register of Debates,* vol. x., pt. i., pp. 467–492, 574–603, 662–679, 755–802, 892–942, 1156–1167, 1172–1177, 1185–1187.

* Benton, *Abridgment,* vol. xii., p. 301.

† *Niles' Register,* vol. xlvi., p. 88; *Senate Journal,* 23d Congress, 1st session, p. 197; White, *Money and Banking,* p. 308; Buell, *History of Andrew Jackson,* vol. ii., pp. 323–324; Clay, *Life of Clay,* p. 227; Jenkins, *Life of Calhoun,* p. 318 *et seq.*

‡ See Richardson, *Messages and Papers,* vol. iii., pp. 69–93; *Register of Debates,* vol. x., pt. l., pp. 1317–1336; Benton, *Abridgment,* vol. xii., pp. 308–318; *Niles' Register,* vol. xlvi., pp. 138–144; and the excerpts in MacDonald, *Select Documents,* pp. 307–317.

‖ Schurz, *Life of Clay,* vol. ii., pp. 39–40.

be "not received."* He said that never before had so extraordinary a paper been sent to Congress by a President and that he would not dignify it by considering it an executive message. It was merely a paper signed by Andrew Jackson which, rejected by the Senate, would not be the first paper bearing Jackson's signature which the Senate had refused to enter upon its journal because of abusive and vituperative language.† Clay said that Jackson's protest was a breach of the privileges of the Senate, that that body kept a journal of its own proceedings but not of other people's, and that it was not a recording office "for protests, deeds, bills, or other instruments." The protest suggested no legislation; it contained merely a request of the President that it be entered on the journal, and therefore was not such a paper as he had a right to ask the Senate to spread upon its minutes. The President "might as well have come to us and respectfully requested us to allow him to pull our noses, or kick us, or receive his stripes upon our backs." Calhoun denied the right of the President to question the opinions expressed by the Senate in any case or in reference to any subject whatever. Outside the Chamber he could use his veto to protect his rights against aggression by the Senate, but inside the Chamber the Senate was completely beyond his control. He had no right to enter the Senate chamber in an attitude of hostility.* Benton, on the other hand, vigorously defended Jackson's right to protest and in this stand was supported by Silas Wright, of New York, Grundy, of Tennessee, and John Forsyth, of Georgia.† In answer to the assertion that the message was not received because no message of such a character had ever been received from the President, Benton said that never before had a Senate committed an act tending to bring forth such a message and that never before had the Senate attempted to censure the action of a Chief Magistrate. Even assuming that the doctrines and principles of the President's message were not sound, that was not a valid reason to reject the message. Merely entering a President's opinions on the journal carried neither the Senate's approval nor rejection of them. If the Senate were right in its stand, then it ought not to fear to spread the President's message on the journal. It was the duty of the Senate to receive the paper the same as any other petition or remonstrance, and justice

* *Register of Debates*, pp. 1336–1340; Benton, pp. 318–320; Schouler, *United States*, vol. iv., p. 168.

† Peck, *The Jacksonian Epoch*, pp. 236–237.

* *Register of Debates*, vol. x., pt. ii., pp. 1564–1581; Benton, *Abridgment*, vol. xii., pp. 335–338.

† For the speeches see *Register of Debates*, vol. x., pt. i., pp. 1347–1355, and pt. ii., p. 1394 *et seq.*, 1547–1559, 1615–1638; Benton, *Abridgment*, vol. xii., pp. 320–326, 338–345.

required that the remonstrance be entered on the journal.*

For nearly three weeks the argument continued until on May 7, by a vote of 27 to 16, four resolutions were adopted, as follows:

"*Resolved*, That the protest communicated to the Senate on the 15th ultimo by the President of the United States, asserts powers as belonging to the President which are inconsistent with the just authority of the two Houses of Congress, and inconsisent with the Constitution of the United States.

"*Resolved*, That while the Senate is, and ever will be, ready to receive from the President all such messages and communications in the Constitution and laws, and the usual course of public business, authorize him to transmit to it, yet it cannot recognize any right in him to make a formal protest against votes and proceedings of the Senate, declaring such votes and proceedings to be illegal and unconstitutional, and requesting the Senate to enter such protest on its journals.

"*Resolved*, That the aforesaid protest is a breach of the privileges of the Senate, and that it be not entered on the journals.

"*Resolved*, That the President of the United States has no right to send a protest to the Senate against any of its proceedings." †

In the House an entirely different course of procedure was adopted. There, after a long debate, the President's message, the Secretary's report, the Bank memorial, etc., were all referred to the Committee on Ways and Means, whose chairman, James K. Polk, reported on March 4 four resolutions* which were adopted on April 4 by votes of 134 to 82, 118 to 103, 117 to 105 and 175 to 42.† In effect these were that the Bank ought not to be rechartered; that the deposits ought not to be replaced; that the State banks ought to be used as places of deposit, though Congress prescribe the mode of selecting them, the terms and manner of their employment; and that a complete investigation of the affairs of the Bank of the United States be made to ascertain "the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States." On February 4 Jackson sent a message to both Houses censuring the Bank for refusing to deliver the books, papers, and funds connected with the pension to the surviving soldiers of the Revolution.‡ On the 17th the Judiciary Committee of the Senate found this censure undeserved,‖ and toward the

* See also Roosevelt, *Life of Benton*, pp. 134–136; Peck, *The Jacksonian Epoch*, pp. 237–238; *Niles' Register*, xlvi., pp. 161–165, 213–216, 249–250.

† *Register of Debates*, vol. x., pt. ii., p. 1712; Benton, *Abridgment*, vol. xii., p. 363. See also Parton, *Life of Jackson*, vol. iii., p. 543; *Senate Journal*, 23d Congress, 1st session, p. 252.

* Polk's report of March 4 will be found in *Register of Debates*, vol. x., pt. iv., app., pp. 161–187 and *House Report* 312, 23d Congress, 1st session, and Binney's minority report in *House Report* 313; also in *Niles' Register*, vol. xlvi., pp. 38–48.

† *Register of Debates*, vol. x., pt. iii., pp. 2956–2979, 3022–3128, 3138–3303, 3329–3359, 3392–3439, 3443–3516; *Niles' Register*, vol. xlvi., pp. 104–105; Benton, *Abridgment*, vol. xii., pp. 429–440, 444–456; Schouler, *United States*, vol. iv., pp. 168, 171. Parton (*Life of Jackson*, vol. iii., p. 555) gives the vote differently.

‡ Richardson, *Messages and Papers*, vol. iii., pp. 39–41; *Register of Debates*, vol. x., pt. iv., app., pp. 101–110.

‖ The report is in *Register of Debates*, vol. x., pt. iv., app., pp. 110–119.

end of May, after much debate, the Committee's finding was affirmed by the Senate.

As the Senate had by this time refused to entertain the President's protest, Clay on May 26 introduced two other resolutions in which he hoped the House would concur. These were to the effect that the reasons offered by the Secretary for removing the deposits were neither convincing nor ample and that the public money in the Bank of the United States ought to be replaced.* After a long debate, the Senate, on June 3 and 4, adopted the resolutions by votes of 29 to 16 and 28 to 16.† The resolutions were then sent to the House, but, on Polk's motion, that body on June 13 laid them on the table by votes of 114 to 101 and 118 to 98.‡

The quarrel between the President and the Senate grew fiercer than ever, and before the session had ended, the Senate refused to confirm a number of nominations made by the President. On December 17, 1833, shortly after the convening of Congress, Jackson submitted the names of five men to be Government directors of the Bank for 1834. One of these (James A. Bayard) was at once confirmed by the Senate, but the other four (Henry D. Gilpin, Peter Wager, John T. Sullivan and Hugh McEldery) had acted in such a manner that the Whigs could never forgive them. During 1833 they had served as Government directors, and, acting under Jackson's orders, had made a report on the expenditures of the Bank for printing the various essays, speeches, reviews, etc., circulated by that institution to influence the election of 1832.* On February 27, 1834, therefore, considering these men as spies placed in the directorate of the Bank to observe the conduct of its officials, the Senate, by votes of 25 to 20 and 27 to 18, refused to advise and consent to their appointments.† Jackson, however, considering that these men had performed their duties faithfully and honestly, again sent their names to the Senate on March 11, 1834, accompanied by a long message,‡ intimating that if these names were again rejected he might leave the directorships vacant. Again on May 1, by a vote of 30 to 11, the Senate refused to confirm them|| and finally Jackson

* *Register of Debates*, vol. x., pt. ii., p. 1818; Peck, *The Jacksonian Epoch*, p. 242.

† *Register of Debates*, vol. x., pt. ii., pp. 1818–1824, 1834, 1843–1860, 1879–1896; Benton, *Abridgment*, vol. xii., pp. 364–367; *Niles' Register*, vol. xlvi., p. 246; Schouler, vol. iv., p. 167.

‡ *Niles' Register*, vol. xlvi., p. 307–308; *Register of Debates*, vol. x., pt. iv., p. 4468; Benton, *Abridgment*, vol. xii., pp. 495–496.

* Their memorial to Congress of December 9, 1833, is in *Register of Debates*, vol. x., pt. iv., app., pp. 82–94.

† *Register of Debates*, vol. x., pt. iv., app., pp. 309–311; Peck, *The Jacksonian Epoch*, p. 224; Parton, *Life of Jackson*, vol. iii., p. 540.

‡ Richardson, *Messages and Papers*, vol. iii., pp. 41–48; *Niles' Register*, vol. xlvi., pp. 180–182; *Register of Debates*, vol. x., pt. iv., app., pp. 311–313.

|| For the report of the Committee on Finance, May 1, 1834, see *Niles' Register*, vol. xlvi., pp. 182–183; *Register of Debates*, pp. 314–215.

yielded. Bayard having refused to serve, Jackson nominated five other men, whose nominations the Senate promptly confirmed.*

The quarrel between the President and the Senate had overshadowed all legislation passed by Congress. While the deposit bill was being framed by the Committee of Ways and Means, the Secretary of the Treasury urged that a sound National metallic coinage be provided for. He said that during the existence of the Bank of the United States more than three-quarters of the paper money in circulation ($60,000,000) had come from the State banks, in spite of the great influence exercised by the United States Bank over the currency of the country. But while these State banks had put forth so many millions of paper money, it was estimated that they did not have in their vaults more than $25,000,000 in specie. This being the case, the condition of the currency was far from good, for the metallic base was far too small to support the paper superstructure. The Secretary said further that, in order to bring the precious metals into wider use, paper money should be withdrawn from circulation by doing away with the notes of the Bank of the United States and of the State banks. As the former would cease to exist in 1836, it could be left out of consideration; but a day should be fixed after which no State bank issuing notes under $5 should be a depository for public moneys or have its bills taken in payment of debts due the United States. The gap thus created would be filled by gold and silver, this operation to be extended to the $10 notes and finally to all those under $20 until they should disappear. Before this change could be effected, however, a reform in the coinage of gold had to be made, for at this time the gold coins were worth more in silver than their face value. The Secretary advised that gold and silver be placed on a parity and, that there might be plenty of specie to replace the small bank notes, suggested that foreign gold coins again be made legal tender in payment of debts.*

Therefore, the Committee of Ways and Means inserted in the bill for regulating the deposits a provision to withdraw from circulation, after a certain day, bank notes under $5, and in their stead to substitute gold and silver coins. But this provision was lost when the entire bill was defeated. Nevertheless, in accordance with the suggestions of the Secretary, a select

* With this the career of the Bank as a National institution was practically ended. In February of 1836 it obtained a charter from Pennsylvania as the Bank of the United States of Pennsylvania. In June Congress repealed the fourteenth section of the bank charter act which provided that the bank bills should be legal tender in all payments to the United States (*Statutes-at-Large*, p. 48). In 1837 a dispute arose over the payment to the United States of the Government stock (amounting to $7,886,145.49) but it was settled by depositing with the Government four bonds, payable in September of 1837, 1838, 1839 and 1840. Thereafter all connection between the Government and the Bank ceased. See Catterall, *Second Bank*, p. 375.

* McMaster, vol. vi., pp. 213–214.

committee reported three bills, which were passed and approved by the President. One (the act of June 28, 1834), legalized the gold coins of Great Britain, France, Spain, Portugal, Mexico, Colombia, and Brazil. The other (the act of June 25, 1834), made current money by tale of the silver dollars of Central America, Mexico, Brazil, Peru, and Chili, and of the five-franc piece of France.* The third act (signed on June 25) changed the ratio of gold and silver.

The change in the ratio of coinage had been under consideration for several years. After the passage of the Act of 1792, gold coins began to disappear from circulation and it became apparent that, if a double standard were to be maintained, a new ratio must be adopted and the metals coined on the basis of a more permanent equality.† On May 4, 1830, Secretary of the Treasury Ingham made a report to the Senate favoring a single standard and arguing that it should be silver, since foreign and domestic contracts were made in that money. On December 15, 1830, Senator Nathan Sanford, of the select committee appointed to consider the state of the coins, made a report supporting the double standard.* He said that the proportion of 15 to 1 was too low a valuation of gold in 1792 and much too low at the time of his report, and that the ratio of 15.9 to 1 appeared the most eligible. Accordingly a bill was introduced in the Senate making no change in the silver coins, but proposing that the ratio of coinage be as 15.9 of silver to 1 of gold. Under this proportion the eagle would contain 233 26/53 grains of pure gold and 254 38/53 grains of standard gold, and the other gold coins in proportion.† Nothing was done at this time, however. On February 22, 1831, Campbell P. White, chairman of the select committee on coins, rendered reports on gold and silver coins based largely on the bill Sanford had introduced in the Senate and which the House had referred to White's committee. The committee recommended that the standard value of gold be regulated according to the ratio of 15.625 of silver to 1 of gold, and that the portion of alloy used in coinage be established at one-tenth.‡ On June 30, 1832, White made another report in which the committee recommended that the standard of value be legally and exclusively regulated in silver.‖

* *Niles' Register*, vol. xlvi., p. 321.

† In 1830 it was estimated that the amount of metallic circulation was as follows: total coins in the United States, $23,000,000; coins issued by the United States, $14,000,000; Spanish dollars and parts of dollars, $5,000,000. Up to this time $34,000,000 in silver coins had been issued by the mint, of which only $14,000,000 remained in the country. Laughlin, *Bimetallism in the United States*, pp. 54–55.

* *Register of Debates*, vol. vii., app., pp. cxxxi–cxxxvii.

† Watson, *History of American Coinage*, p. 83.

‡ *Register of Debates*, vol. vii., app., pp. cxxxvii–clix. See also Laughlin, *Bimetallism in the United States*, p. 60, where the various opinions are compared.

‖ *House Report* 496, 22d Congress, 1st session. See also *House Report* 278, 23d Congress, 1st session; *Register of Debates*, vol. x., pt. iv., app., pp. 243–282.

He seems to have changed his mind, however, for on June 21, 1834, he recommended the passage of a new bill fixing the ratio of gold and silver as 16 to 1.*

The debate on this last bill was protracted and exhaustive. Selden, of New York, proposed an amendment to White's bill providing that the quantity of fine gold in the eagle should be 237.6 grains and the half and quarter eagles in proportion.† This amendment, which meant the adoption of a ratio of 15 5/8 to 1, was defeated by a vote of 127 to 52.‡ Gorham then suggested that the eagle contain 234 grains of fine gold and 260 grains of standard gold, and the subsidiary coins in proportion (or a ratio of 15.825 to 1), but this amendment too, was defeated by a vote of 112 to 69.‖ White's bill was then passed by the House (145 to 36),§ and was sent to the Senate and then was signed by the President.¶ The law provided that the eagle should contain 232 grains of pure gold and 258 grains of standard gold, and reduced the quantity of gold in the half and quarter eagles, but made no change in the silver coins. This so changed the market ratio between the two metals that their legal or coinage ratio became 16 to 1, instead of 15 to 1, though the act did not in express terms fix the ratio at 16 to 1, but simply stated the amount of pure gold the gold coins should contain. The ratio of 16 to 1 is therefore artificial, and not one fixed by law, though this ratio would have been a very near approach to the true ratio between gold and silver dollars, since the gold dollar would have contained 23.2 grains of pure gold, and the silver dollar 371 1/4 grains of pure silver. The true ratio would have been 16.002155+ to 1.* In the Act of 1834 silver was undervalued and as a result was driven out of circulation, just as gold had been under the Act of 1782.†

* White, *Money and Banking*, pp. 51–52.

† *Register of Debates*, vol. x., pt. iv., p. 4644.

‡ Laughlin, *Bimetallism in the United States*, p. 64.

‖ Laughlin, *Bimetallism*, p. 64.

§ *Register of Debates*, vol. x., pt. iv., pp. 4645–4673; Benton, *Abridgment*, vol. xii., pp. 508–515.

¶ *United States Statutes-at-Large*, vol. iv., p. 699. For discussion see Watson, *History of American Coinage*, pp. 85–86, 90; White, *Money and Banking*, p. 52.

* Watson, *History of American Coinage*, pp. 86–87. See also Sumner, *History of American Currency*, pp. 108–109; White, *Money and Banking*, pp. 41–42.

† Laughlin, *Bimetallism*, p. 65 *et seq.* Laughlin (p. 66, note) says that the movement of gold to the United States was so considerable as to create some alarm in London as to the condition of the reserves of the Bank of England.

CHAPTER VII.

1830–1836.

ACTIVITIES OF THE ABOLITIONISTS.

Walker's "Appeal" and its influence — Garrison's arrest and release — The founding of the *Liberator* — Charges against the North — Founding of the New York and American Anti-Slavery Societies — The Southampton insurrection — Attitude of Southerners toward slavery — Assaults on Garrison — Anti-slavery enactments — The attempt to establish a colored college at New Haven — The Crandall and other schools — Anti-negro outbreaks — Attitude of the churches — Riots and lynchings in the South — The Boston and Utica mobs — The attack on the mails at Charleston — Public expressions regarding incendiary documents — Threats of commercial retaliation — Legislation in the various States — Calhoun's report to Congress — Rejection of the bill prohibiting the mailing of incendiary documents — Introduction of petitions to prohibit slavery in the District of Columbia — John Quincy Adams and the gag rule — The attack on Birney and *The Philanthropist* at Cincinnati.

In the South the condition of the slave had become a serious problem. The abolitionists were energetically pushing their propaganda and one of them, David Walker, circulated a pamphlet published at Boston in 1829, under the title "Walker's Appeal." Several copies of this pamphlet found their way to Savannah, whose mayor at once protested to Mayor H. G. Otis, of Boston. The latter replied that the pamphlet had not been circulated in Boston and that the city authorities would use every lawful means to prevent any attempt to sow discord in the South; that the sentiments contained in the pamphlet were regarded with equal abhorrence in the North; and that while they could not prevent its circulation by mail, they would warn the captains of ships and others not to expose themselves to the rigors of the law by carrying incendiary writings into the Southern States.* The mayor of Savannah then sent a copy of the pamphlet to the governor, who immediately transmitted it to the legislature. That body enacted a law providing for the imposition of 40 days quarantine on all vessels having free negroes on board; forbidding all intercourse with such vessels by free negroes or slaves; prohibiting the introduction of slaves into Georgia for sale; and making the circulation of pamphlets of evil tendency among domestics a capital crime and the teaching of free negroes or slaves to read or write a penal offence.

A copy of the pamphlet found its way to Governor Giles, of Virginia, to whom it seemed a serious matter. At a secret session of the House of

* The letters are in *Niles' Register*, vol. xxxviii., p. 87. See also Williams, *The Negro Race in America*, vol. ii., pp. 553–554.

Delegates, therefore, a bill was passed by a vote of 81 to 80, making it a misdemeanor to teach or to permit free negroes, slaves, or mulattoes to be taught to read or write, and providing severe punishment for any white, free negro, slave, or mulatto who should print, write or circulate among slaves, free negroes, or mulattoes, any paper, book, or pamphlet, the object or tendency of which was to incite insurrection. The Senate rejected the bill by a vote of 11 to 7.* The pamphlet was laid before the Louisiana legislature also, and a law was enacted forbidding free negroes to enter the State, and commanding all who had entered the State since 1825 to leave within 60 days.†

Meanwhile the first number of the *Liberator,* the most important of the anti-slavery publications, had been issued at Boston. In August of 1829 Garrison joined Lundy at Baltimore, and the publication of the *Genius of Universal Emancipation* was resumed.‡ Garrison's removal from New England to Baltimore was an event pregnant with consequences. He had hitherto believed that colonization was the proper method of eradicating the slavery evil, but his actual contact with slavery in the South completely revolutionized his views. He not only became convinced of the impracticability of the scheme, but believed that the promoters of the colonization society had purposely sought the aid of the Northern philanthropists in a wrong cause in the interest of slavery. Hence he became an advocate of "an immediate and unconditional emancipation."* In March of 1830, however, an event occurred which not only ended the career of the *Genius,* but hastened Garrison's separation from the more moderate Lundy. Garrison, having denounced a New England sea captain for taking aboard at Charleston a cargo of slaves destined for New Orleans, was arrested for libel. When brought before court he was fined for publishing a libellous article and for criminally inciting slaves to insurrection; but, unable to pay the fine, he was sent to prison.† After an imprisonment of several weeks, Garrison's fine was paid by Arthur Tappan, of New York, and he was released.‡ He then went to Massachusetts in search of funds to reëstablish the paper. Failing in this, he issued a proposal for the publication of a weekly newspaper to be called the *Public Liberator and Journal of the Times.*‖ Meanwhile

* *Niles' Register,* vol. xxxviii., pp. 87–88.

† McMaster, vol. vi., pp. 70–72.

‡ Grimké, *Life of Garrison,* p. 69.

* Von Holst, *Constitutional and Political History,* vol. ii., p. 83.

† For details see Grimké, *Life of Garrison,* pp. 75–77; Smith, *Life of Garrison,* pp. 32–35: Swift, *Life of Garrison,* pp. 74–75; *A Brief Sketch of the Trial of William Lloyd Garrison, for an Alleged Libel on Francis Todd, of Massachusetts.*

‡ Williams, *The Negro Race,* vol. ii., p. 41; George S. Merriam, *The Negro and the Nation,* p. 40 (1906).

‖ Wilson, *Rise and Fall of Slave Power,* vol. i., pp. 181–183; Grimké, *Life of Garrison,* p. 84 *et seq.*

Lundy had moved the *Genius* to Washington, whereupon Garrison selected Boston as the place for his periodical, which he had now named the *Liberator,* and on January 1, 1831, issued the first number.* For a short time the paper aroused no particular comment in the North,† but in the South it was severely censured,‡ and after the adoption of the illustrated head-piece,‖ was denounced as an incendiary.

In March of 1833, when the nullification convention reassembled in South Carolina, a report was presented and speeches were made which intimated that the North was uniting to destroy slave property in the South and that it was time for the latter to rise in defence of her rights and property. The matter soon began to be argued in the newspapers, while prominent men both North and South spoke of it at public dinners and in other public places. In a letter to John Bolton, dated May 17, 1833, Webster said that Congress had no authority to emancipate slaves, that domestic slavery in the States was under the complete control of the States themselves, that the North held to this opinion, and that whoever denied it was merely assuming a position which had no foundation.* Governor Joseph H. Lumpkin, of Georgia, in a letter to the *Augusta Chronicle,* stated that ninety-nine out of every hundred of the intelligent people of the North had not participated in any such movement, but on the contrary denounced and opposed its originators and advocates.† These denials had little effect on the discussion in the South, but in the North charges made by the South had considerable influence. The free people of color had held a convenion at Philadelphia in June of 1833, and the editor of the *National Intelligencer* was requested to publish the resolutions adopted by this convention.‡ But he refused to do so because the resolutions contained charges against the colonization society, not wishing to encourage the belief that the North was seeking to abolish slavery. In 1833 some New Yorkers who favored immediate eman-

*Grimké, pp. 112–116; Swift, *Life of Garrison,* p. 81; Smith, *Life of Garrison,* p. 40; Garrison, *Life of Garrison,* vol. i., p. 225 *et seq.;* Rhodes, *United States,* vol. i., p. 54; Schouler, *United States,* vol. iv., p. 214.

† In a letter dated October 17, 1831, Mayor H. G. Otis, of Boston, said: "Upon inquiring among my associates in office, I learnt that such a paper was printed in town — but no individual within the immediate reach of this inquiry has seen it. * * * Upon further inquiry I have not ascertained the name of any person who takes it. * * * I am told that it is supported chiefly by free colored people. * * * It is edited by an individual who formerly lived in Baltimore."— *Niles' Register,* vol. xlv., p. 42.

‡ For some of the denunciations, see Grimké, *Life of Garrison,* pp. 120–121.

‖ This consisted of a picture of the National Capitol from the dome of which flew a flag inscribed "Liberty"; in the foreground is seen a negro flogged at a whipping post and the misery of a slave auction. (Garrison, *Life of Garrison,* vol. i., p. 232.) See also Grimké, *Life of Garrison,* pp. 122–123; Smith, *Life of Garrison,* p. 63.

* *Niles' Register,* vol. xliv., p. 295.

† *Ibid,* vol. xlv., pp. 85–86.

‡ For which see *ibid,* vol. xliv., p. 307.

cipation desired to organize an anti-slavery society and called upon the citizens to meet for that purpose at Clinton Hall on October 2. This aroused great excitement, and on the night of the meeting several thousand persons collected, only to find the hall closed by order of the trustees. Those who had responded to the call thereupon organized, elected a chairman, and adopted a set of resolutions, one of which declared that it was improper and inexpedient to agitate the anti-slavery question, while another assured the South that the North would resist every attempt to interfere between master and slave. Meanwhile the abolitionists had held their meeting in Chatham Street Chapel, had organized the anti-slavery society, and had adopted the constitution of the New York City Anti-Slavery Society.*

In the midst of the excitement, Garrison, who had been in England, arrived at Boston. An attempt was made to mob him and, in response to a hand-bill urging all true Americans to come "armed with plenty of tar and feathers," a mob gathered in front of the office of the *Liberator*, but after a demonstration of hostility departed without doing any harm.† The same issue of the *Liberator* which reported Garrison's return announced that a meeting to form an American Anti-Slavery Society would be held at Philadelphia. A call was sent out in Boston, Providence, New York and Philadelphia, and on December 4, 1833, the convention assembled at the last-named city, organized a society, and adopted a declaration of principles.* This declaration stated that the purpose of the American Anti-Slavery Society was to organize smaller anti-slavery societies in every city, town, or village in the country, to circulate anti-slavery literature, to enlist the pulpit and the press in the slaves' cause, and to give preference to the products of free labor over those of slave labor.† But a meeting of citizens was held at Rochester at which a remonstrance was adopted against this attempt to excite the feelings of the community on the subject of slavery. While the abolition of slavery was desirable and while it was a laudable object to enlist the citizens in behalf of the immediate emancipation of the slaves, still the question of slavery was one to be decided by the States themselves, and the meddling of citizens of other States was both improper and impolitic.‡

Meanwhile, in 1831, an event happened in Virginia which focused attention on the slave question. In Southampton County, Virginia, lived a negro slave named Nat Turner, who

Niles, vol. xlv., pp. 111–112; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 231 *et seq.;* Von Holst, *Constitutional and Political History*, vol. ii., pp. 99–100.

† Swift, *Life of Garrison*, p. 109.

* Rhodes, *United States*, vol. i., p. 59.

† The full text is in Smith, *Life of Garrison*, pp. 83–88; Wilson, *Rise and Fall of Slave Power*, vol. i., chap. xviii. See also Swift, *Life of Garrison*, pp. 110–115.

‡ McMaster, vol. vi., pp. 180–181.

could read and write and was known as a preacher of some ability and of great influence with the negroes. In some manner he had incited the slaves to insurrection and on the night of August 21, 1831, with 20 or 30 followers, began an attack on the whites. Ere the day had passed, nearly 60 persons — men, women and children — had been killed.* Troops were rushed to the scene from various points, and after a slight show of resistance, the negroes, who then numbered about 200, were surrounded and shot down or captured. A few reached safety in the Dismal Swamp, and for a while Turner himself could not be located, but a short time afterward he was taken and executed. Of the negroes 21 were convicted and condemned, but only 13 were executed.†

The pro-slavery men attributed this uprising to "Walker's Appeal" and the *Liberator*,‡ though there is no evidence that Turner or his followers had ever seen a copy of either publication.* This caused widespread excitement† and many threats were heard. Governor Floyd advised that all free persons of color be ordered from the State; the *Richmond Whig* declared that if another uprising occurred the negroes would be put to the sword,‡ and even Niles said:

> "The idea prevails that because of the terrible events in Southampton, the white population, in case of like outrages in future, will retaliate by an indiscriminate slaughter of the blacks — and such we think will probably take place. * * * It especially becomes free people of color to be guarded in their conduct and conversation. They may do much harm to the whites — but, in so doing, seal their own destruction." ‖

Governor Floyd believed that the revolt had been instigated by the negro preachers, and said:

> "The public good requires that the negro preachers be silenced, who, full of ignorance, are incapable of inculcating any thing but notions of the wildest superstition, thus preparing fit instruments in the hands of crafty agitators to destroy the public tranquillity." §

Niles' apprehension that the negroes "will be pretty generally de-

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* *Niles' Register*, vol. xl., pp. 455–456, and vol. xli., p. 67. See also Governor Floyd's message of December 6, 1831, in *ibid*, vol. xli., p. 350.

† Ballagh, *History of Slavery in Virginia*, pp. 93–94; the article by T. W. Higginson in *Atlantic Monthly*, vol. viii., p. 173; Williams, *The Negro Race in America*, vol. ii., pp. 85–92; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 190–191; W. S. Drewry, *Slave Insurrections in Virginia;* Merriam, *The Negro and the Nation*, pp. 41–42.

‡ Niles says: "We regret to learn that a paper called the "Liberator", published at Boston by Mr. Garrison, who had a temporary residence in Baltimore, has been widely spread among the people of color, for the seeming purpose of provoking insurrection and massacre. We hold no communion with such proceedings — though religiously opposed to slavery; and while our first consideration would naturally be the preservation of the whites — the second, the welfare of the blacks themselves, is almost equally a matter of imperative importance. A sudden emancipation, either by *force* or through *principle*, would be a calamity that *must* desolate the South and *cause a terrific destruction of both masters and slaves!* No one of a sane mind, we suppose, can entertain such a project, unless reckless of misery and blood."— *Niles' Register*, vol. xli., p. 66.

* Garrison, *Life of Garrison*, vol. i., pp. 239, 251.

† *Niles' Register*, vol. xli., p. 131.

‡ Von Holst, *Constitutional and Political History*, vol. ii., p. 88.

‖ *Niles' Register*, vol. xli., pp. 19, 221.

§ *Ibid*, vol. xli., p. 350.

prived of the opportunity of religious instruction"* was realized when Maryland forbade not only the slaves but also freedmen to assist at a religious meeting, unless such meeting were led by a white ordained clergyman or by a white man authorized by such clergyman to lead it.† In December of 1829 the grand jury of Richmond County, Georgia, stated that it was a crime to employ negroes in printing and publishing establishments "thereby affording them the means of learning to read writing, and affording a source of information to that class of our population which sound policy forbids."‡ In Virginia there was much dissatisfaction because the quota of representation in the legislature was based on the aggregate population, thus assuring the large plantation owners a preponderance of power, owing to the large number of slaves owned. In 1829–30 an attempt was made to change this, but the planters were too strong for the innovators. Again in 1831–32 an attack was made when Thomas Jefferson Randolph moved for the appointment of a committee to investigate and report on the expediency of a gradual emancipation of the slaves. The debates lasted several weeks, but the agitation resulted in nothing.‖ While the moral aspect of slavery was stressed, much weight was attached to the economic phase, for, said Marshall:

"Slavery is ruinous to the whites, retards improvement, roots out an industrious population, banishes the yeomanry of the country, deprives the spinner, the weaver, the smith, the shoemaker, the carpenter, of employment and support. This evil admits of no remedy, it is increasing, and will continue to increase, until the whole country will be inundated with one black wave covering its whole extent, with a few white faces here and there floating on the surface." *

Niles was of the same opinion, for he said:

"Free labor and slave labor cannot abide together * * * Such is the truth — and it will reach the heart and home of everyone interested, through sober reflection, or in frightful necessity. * * * Let, then, the soundest heads and best hearts of the nation be engaged to build up some practicable project which shall, at once, afford the hope of security to white persons and extend the prospect of an ameliorated condition to the slaves. * * * There are men whose voices would be heard — whose sound sense and established patriotism would reach many of the most obdurate and compel them to reflect, under an awful assurance of events that must flow from an adherence to the present state of things." †

And yet, on February 25, 1832, Niles said:

"The southern people will not agree to be 'taxed' to pay for what they regard as their own property — and will, indeed, generally resist the adoption of any measure which looks to the final extinction of negro slavery in the United States. They love their slaves and say their slaves love them. We do not see any reason why those who are not slaveholders should press this subject, to separate persons who are so much attached to one another — so mutually advantageous — so happy and contented. We only irritate by suffering our feelings to enter into this question. * * * We are not for obtruding

* *Niles' Register*, vol. xli., p. 130.

† Von Holst, vol. ii., p. 89.

‡ *Niles' Register*, vol. xxxvii., p. 275.

‖ Von Holst, vol. ii., p. 90 *et seq.*; Ballagh, *History of Slavery in Virginia*, pp. 94–95, 137 *et seq.*

* *Niles' Register*, vol. xliii., p. 23; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 201.

† *Niles' Register*, vol. xli., pp. 130, 131.

our services on those who scornfully reject them, and would wish them to 'manage their own concerns in their own way.' We shall do the same." *

On the other hand, he said:

"The subject of slavery is a delicate one for a Southerner to touch upon; but it is one that we must sooner or later come to. I am therefore fully of the opinion that the sooner we begin to discuss it, the better for ourselves. * * * It is necessary that the Southern States accept a gradual scale of emancipation for their slaves; and, effectually to free us of them, the arm of the general government should be extended to assist in removing them as they become free." †

Garrison and the *Liberator* were then assailed on all sides, his life being threatened and his newspaper denounced. In his message of December 6, 1831, Governor Floyd said:

"From the documents which I herewith lay before you, there is too much reason to believe these plans of treason, insurrection, and murder have been designed, planned and matured by unrestrained fanatics in some of the neighboring states, who find facilities in distributing their views and plans amongst our population, either through the post-office, or by agents sent for that purpose throughout our territory." ‡

Numerous laws were enacted in the several States providing punishment for those who should circulate the *Liberator* or any other circular, pamphlet, letter or address of a seditious character,‖ Georgia even providing the death penalty.§ In 1830 North Carolina passed an act declaring the dissemination of printed matter calculated to incite the slaves to insurrection a felony, the first offence being punishable with fine, whipping and the pillory, and the second with death.* In 1831 Maryland enacted a law providing that the same act be punished with detention in the house of correction for not less than 10 nor more than 20 years.† Louisiana provided hanging and the other Southern States threatened severe punishment.‡ In North Carolina Garrison was indicted for felony, and on December 26, 1831, Governor Lumpkin, of Georgia, signed an act offering a reward of $5,000 for the arrest and conviction of the publisher, according to the laws of the State.‖ In 1830 North Carolina passed a law forbidding anyone to teach a slave to read under a penalty of $200 fine. Free persons of color were allowed to maintain schools until 1835, when they were abolished by law.§ In 1829 the Georgia legislature passed an act providing that if a slave negro or free person of color should teach another to read or write he should be subject to fine and whipping, while the punishment for a white person who committed the same offence was $500 fine and imprisonment at the discretion of

* *Niles' Register*, vol. xli., p. 472.
† *Ibid*, p. 131.
‡ *Ibid*, p. 350.
‖ Grimké, *Life of Garrison*, p. 126 *et seq.*
§ *Niles' Register*, vol. xxxvii., p. 341.

* *Niles' Register*, vol. xlix., p. 228.
† *Ibid*, vol. lviii., p. 230.
‡ *Ibid*, vol. xlix., p. 8.
‖ Garrison, *Life of Garrison*, vol. i., pp. 241, 247; Swift, *Life of Garrison*, p. 86; Smith, *Life of Garrison*, p. 63; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 186; Von Holst, *Constitutional and Political History*, vol. ii., pp. 110-111.
§ Williams, *The Negro Race in America*, vol. ii., p. 170; *Niles' Register*, vol. xxxix., p. 423.

the court. In 1833 a penalty of $100 was added for employing a negro to set type or perform any other labor in a printing office requiring a knowledge of reading or writing.* In 1830 Louisiana provided that "all persons who shall teach, or permit, or cause to be taught, any slave to read or write, shall be imprisoned not less than one month nor more than twelve months."† In 1823 Mississippi forbade more than five negroes to meet together; they were not allowed to meet at any public house in the night or at any house, day or night, for the purpose of teaching, reading or writing, under penalty of whipping. In 1831 negroes were forbidden to preach the gospel, but upon written permission might preach to negroes in their immediate neighborhood, provided six respectable white slave owners were present.‡ In December of 1833 South Carolina passed a bill providing a penalty of $100 and six months' imprisonment for any white person who taught a slave or freedman to read or write, while a free person of color was to be fined $50 and receive 50 stripes for the same offence, and slaves were to receive 50 stripes. Preaching or lecturing was prohibited to slaves and free persons of color, nor were whites allowed this privilege unless three white slaveholders were present.* On March 2, 1819, Virginia passed a law forbidding the meeting of slaves, free negroes or mulattoes for the purpose of learning to read or write, and on April 7, 1832, such meetings were declared to be unlawful, and justices of peace were to issue warrants to officers authorizing them to break into houses where such meetings were in progress for the purpose of apprehending or dispersing the negroes, and inflicting corporal punishment not exceeding 20 lashes. Persons convicted of teaching free negroes or mulattoes to read or write were subject to a fine of $50 and imprisonment not exceeding two months. If the pupils were slaves, the teachers were to be fined not less than $10 nor more than $100.† The North also treated the slave harshly. Delaware forbade free negroes and mulattoes to use firearms, and regulated their meetings for public worship. In 1833 a law was passed taxing every imported and exported slave $5, which went into the school fund for the education of white children alone.‡ Social ostracism was the lot of any merchant or mechanic of Boston who should take a negro for an apprentice. The regular public conveyances were shut to negroes,‖ the pews regularly assigned them in the churches were boarded up or the

* Williams, *The Negro Race in America*, vol. ii., p. 170; *Niles' Register*, vol. xxxvii., p. 341.

† Williams, p. 160.

‡ *Ibid*, p. 163.

* *Niles' Register*, vol. xlv., p. 292, and vol. xlvii., p. 187; Williams, *The Negro Race in America*, vol. ii., pp. 179–180.

† Williams, vol. ii., pp. 180–181.

‡ *Ibid*, vol. ii., p. 157.

‖ *Ibid*, p. 131.

negroes were excluded altogether,* and in one case the floor was cut out of a negro's pew, by order of the church authorities.† In Illinois, too, for many years after this, the negro was shamefully abused. He was allowed to exist free, but the people of Illinois granted him little else.‡ An attempt was then made to found a negro manual training college at New Haven, where negroes might be instructed in agriculture, mechanical arts, science and letters. Arthur Tappan had purchased a site, and $1,000 had been subscribed. In an effort to secure $10,000 from the blacks, Garrison attended a convention of the colored people at Philadelphia, June 6 to 11, 1831.‖ At this convention an agent (Rev. Samuel E. Cornish), a treasurer (Arthur Tappan), and a committee in each city were appointed to solicit subscriptions for a college at New Haven. As this appeared to be an attempt on the part of the blacks to assert their equality with the whites, a meeting was held on September 8, 1831, at which resolutions were adopted "to resist * * * by every lawful means, the establishment of a college * * * to educate the colored population" since such a project was "incompatible with the prosperity, if not the existence, of the present institutions of learning" and "destructive of the best interests of the city." It was stated, too, that "the founding of colleges for educating colored people was an unwarrantable and dangerous interference with the internal concerns of the other states, and ought to be discouraged."* The agent appointed by the convention to solicit subscriptions denied that the proposed college was an abolition movement or connected with emancipation; reminded the people that the establishment of the college could not lawfully be prevented; and promised in the interest of peace and good order to change the subscription book so that the college could be founded at New Haven or elsewhere.† The college was never founded.‡

In 1833 a negress had been admitted to the school for young women at Canterbury, Connecticut, of which Miss Prudence Crandall was the proprietor. This caused much ill-feeling and Miss Crandall was informed that, unless the negress were refused permission to study there, the school would not be supported. Miss Crandall, however, rejected this proposal, and the white scholars began to leave, whereupon the school was filled with

* Grimké, *Life of Garrison*, pp. 160–161.

† McMaster, vol. vi., pp. 76–77.

‡ For details see Harris, *Negro Servitude in Illinois*, p. 226 *et seq.*

‖ For the proceedings of the convention see Williams, *The Negro Race in America*, vol. ii., p. 61 *et seq.*

* Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 238–239.

† The resolutions and reply of the agent are in *Niles' Register*, vol. xli., pp. 88–89.

‡ Grimké, *Life of Garrison*, pp. 164–165; Johnson, *Garrison and the Anti-Slavery Movement*, pp. 119–128.

colored women. Garrison approved this act, and in the *Liberator* announced that a high school "for young colored ladies and misses" would be opened at Canterbury. Town meetings were held to protest and a resolution was passed to oppose the school, but the threat was unheeded. A few pupils entered the school, and then the struggle began. The opposition first called into play the vagrant act, but the friends of the school gave notice that the newcomers would not be a charge on the town. An appeal was made to the legislature, which body on May 24, 1833, enacted a law imposing heavy fines on all who, without the written consent of a majority of the local authorities and selectmen, should keep a school for negroes that were non-residents of the State. It authorized also the removal of any non-resident colored person who should go to any town for the purpose of attending such an institution. Under this law, Miss Crandall was arrested, imprisoned, tried, and finally convicted, but upon appealing to the supreme court of errors, won her case on a technicality. The townpeople then took matters into their own hands. An attempt was made to burn the school, and on September 9, 1834, it was stormed with stones and crowbars. The village merchants refused to sell her food, physicians refused to attend her pupils, and she was subjected to numerous other annoyances, until finally compelled to abandon the enterprise.*

In 1834 a college was established at Canaan, New Hampshire, in which all who were morally and intellectually qualified might study. In a town meeting it was resolved to boycott the school if persons of color were admitted. Nevertheless the school was opened the following spring, but the citizens appointed a committee to remove the school by force if necessary. Accordingly, on August 10, 1835, with the aid of about 100 oxen, the building was razed to the ground and left there, a mass of ruin.† In 1835 a colored school was opened at Cincinnati, but the teachers were persecuted and at times were compelled to close the school on account of the violence of the populace. In 1849 the Ohio legislature passed an act establishing public schools to be maintained at public expense, but the treasurer of Cincinnati refusing to pay the salaries of the teachers, the schools were closed. The case was taken to the courts, however, and the colored people won.‡

Coincident with the Crandall episode and other anti-negro outbreaks came a race riot in Philadelphia. In the negro quarter of that city was a place of low amusement called the

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* Samuel J. May, *Recollections of the Anti-Slavery Conflict*, pp. 39–71; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 240–247; Grimké, *Life of Garrison*, pp. 165–168; Williams, *The Negro Race in America*, vol. ii., pp. 149–157.

† Von Holst, *Constitutional and Political History*, vol. ii., p. 99.

‡ Williams, *The Negro Race in America*, vol. ii., pp. 170–172.

"flying horses"—now known as the merry-go-round—where the blacks were accustomed to gather and carouse and ride the horses. One evening in August of 1834 a party of whites entered the resort and attempted to drive out the negroes, but were put to flight.* The next night (August 13) a large mob assembled, went through the black quarter, beating up the negroes and sacking or tearing down more than a score of houses. The next night the mob gathered again and was dispersed with great difficulty by the mayor and a posse of several hundred citizens, but not until more than 30 houses had been destroyed, the negro church pulled down, and several persons killed or wounded.† A town meeting was called to consider this outrage, and a committee appointed to ascertain the cause of the riot reported that it was due to two things: first, the widespread belief that many persons preferred black to white labor, thus making it difficult for the white workmen to support themselves and families; and secondly, the action of the negroes themselves whenever a fugitive slave case was tried.

Race riots now broke forth at a number of places—Columbia, Trenton, Rochester, Southwark, Lancaster, and Bloomfield, New Jersey. At New York, while the anti-slavery people were holding a meeting, a mob attended and forced an adjournment. The manager of the Bowery Theatre had made some remarks which were considered insulting to Americans and a mob entered the theatre and stopped the play. The home of Lewis Tappan was attacked, the windows broken and the furniture thrown into the street, while only the timely arrival of firemen saved the building from destruction by fire.*

Shortly after these anti-negro outbreaks, a distinguished English abolition preacher, George Thompson, arrived at New York, whither he had been invited by Garrison.† Warned by the newspapers not to lecture in the city,‡ he began his lecture tour in New England, but even there his presence was resented on more than one occasion. At Augusta he was requested to leave town under threats of rough treatment at the hands of a mob. While speaking at a woman's meeting at Concord he was stoned‖ and at Lowell the meeting which he was to address was prevented by a placard calling on the people to convince the South that the North would not interfere with its rights.

While people were thus resenting Thompson's lectures, the churches began to take sides on the slavery issue.

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* *Niles' Register*, vol. xlvi., p. 413.

† Schouler, *United States*, vol. iv., p. 179.

* *Niles' Register*, vol. xlvi., p. 35 *et seq.* See also Clarence W. Bowen, *Arthur and Lewis Tappan* (1883).

† Grimké, *Life of Garrison*, p. 204.

‡ Even the lodgers of the hotel where Thompson and his family were quartered threatened to move out in a body if Thompson did not leave the premises. See *Niles' Register*, vol. xlvii., p. 51.

‖ Grimké, p. 206; Swift, *Life of Garrison*, p. 124.

Anti-slavery societies were formed by the New Hampshire Conference of Ministers and by the New England Methodist Conference, and sentiments against slavery were declared by the Maine General Conference and the Maine Baptist Conference, the Utica Synod, the Detroit Presbytery and the Michigan Synod. On the other hand, the Methodist bishop of New Hampshire repudiated the abolitionists; the Virginia Synod upheld slavery; the Presbyterian General Assembly refused to take action on the subject; the Baptist General Tract Society of Philadelphia instructed its agents not to meddle with the slavery question; and the American Bible Society refused a donation of money from the American Anti-Slavery Society presented for the purpose of placing Bibles in the hands of slaves. The Baptist Board of Foreign Missions declared that the agitation over emancipation would split the church and that those Baptists who held slaves were as sincere in their religion as those who did not.*

The pro-slavery men began to be alarmed and late in July of 1835 a meeting arranged by Southern gentlemen was held at Tammany Hall, New York. It was resolved that the questions of slavery and abolition belonged wholly to the States, that the people of the South did not believe that the abolitionists could affect public opinion even in the North, and that they relied on the Northerners to frustrate the illegal schemes of such fanatics. A few days later (July 20) a meeting was held in Richmond to consider the attempts of the Northern abolitionists to interfere with the domestic concerns of the South, and a committee was appointed to report at some future time.*

Before that time arrived, however, the South was in commotion. Late in June of 1835 two negroes in a little Mississippi town were overheard talking of an intended uprising of the negroes. The alarm was sent broadcast throughout that section, warning the people to be prepared against surprise, and later the two negroes were examined at a public meeting. So doubtful did their story seem that they were incarcerated in prison until more and better evidence could be secured, but, fearing that they might be set free, a mob stormed the prison, dragged the negroes out, and lynched them. A vigilance committee was then appointed and numbers of whites and negroes were arrested, some being lynched and others unmercifully flogged.† While these events were transpiring at Lexington, similar scenes were being enacted at Vicksburg. For several years past a nest of gamblers had defied the laws and terrified the town. On July 4, 1835, during the festivities, one of this gang became so obstreperous that he was

* *McMaster*, vol. vi., pp. 271–272.

* McMaster, vol. vi., pp. 272–273.

† *Niles' Register*, vol. xlviii., pp. 403–404, and vol. xlix., pp. 118–120.

taken to the woods, tied to a tree, flogged, tarred and feathered, and ordered to leave town within 24 hours. A public meeting was then held and all the gamblers were ordered to leave. About 50 fled, but the worst characters remained, and of these 5 were seized and hanged.* The resort to lynch law was deplored at meetings held at Natchez, New Orleans, Mobile, and other places,† and the authorities pledged their support to any attempt to uphold and enforce the laws, but said that resort to lawlessness on the part of the people was unnecessary.

Several riots occurred in Northern cities. Thompson was despised as an impertinent intruder, and as one especially presumptuous in meddling with American institutions. He was subjected to humiliation at Boston, and came very near being mobbed at Concord. It having been announced that he would address a meeting of the Boston Female Anti-Slavery Society on October 14, 1835, a call was issued to the people to prevent it.‡ The meeting was postponed, but a week later was held in the anti-slavery rooms.* At that time a mob, composed of the business men of Boston, gathered about the door and shouted for Thompson, who had been persuaded not to attend. The mayor assured the rioters of this fact and, after beseeching them to disperse, ordered the women to leave the meeting room, which they did amid the jeers and shouts of the crowd.† The mob then called for Garrison, who was in the anti-slavery office adjoining the room. Fearing the consequences, the mayor ordered Garrison to leave the building by the rear. This he did by dropping from a window to the ground, but not without being seen by the mob. He was seized and marched to the office of the mayor, committed to jail as a disturber of the peace, and taken off in a carriage, with the mob in hot pursuit. The next afternoon he was discharged from custody, but on the request of the authorities left Boston for a time.‡

At the same time another mob broke up the anti-slavery convention at Utica. It had been proposed to form a State anti-slavery society and Utica, being in the central part of the State, was selected as the best place for the

* Niles, vol. xlviii., pp. 377, 381–382.

† *Ibid.*, vol. xlviii., p. 401.

‡ The handbill sent out read as follows: "That infamous foreign scoundrel, Thompson, will hold forth this afternoon at the *Liberator* office, No. 48 Washington street. The present is a fair opportunity for the friends of the Union to *snake Thompson out!* It will be a contest between the Abolitionists and the friends of the Union. A purse of $100 has been raised by a number of patriotic citizens to reward the individual who shall first lay violent hands on Thompson, so that he may be brought to the tar-kettle before dark. Friends of the Union, be vigilant!" — See Grimké, *Life of Garrison*, p. 218.

* Swift, *Life of Garrison*, p. 133.

† Schouler, *United States*, vol. iv., p. 221.

‡ Garrison, *Life of Garrison*, vol. ii., pp. 11–29; Grimké, *Life of Garrison*, pp. 218–232; Rhodes, *United States*, vol. i., pp. 61–62; Smith, *Life of Garrison*, pp. 90–94; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 282–285; Swift, *Life of Garrison*, pp. 134–137; Schouler, *United States*, vol. iv., p. 221; *Niles' Register*, vol. xlix., pp. 145–146.

convention. The people of the town, however, were opposed to the abolitionists and had denounced them in mass meetings. When they heard that the common council of the city had granted the abolitionists the use of the court room they were highly indignant. Another meeting was held on October 17, 1835, at which were adopted resolutions declaring that the courthouse had been erected with public contributions for public purposes and "not as a receptacle for deluded fanatics or reckless incendiaries," and that it was the duty of the citizens to prevent the meeting. On the day appointed for the convention the people took possession of the court room and prevented the holding of the meeting. The delegates thereupon adjourned to the Presbyterian Church and had just finished the organization of the society when the citizens rushed into the church and stopped all proceedings.* The minutes were forcibly taken from the secretary of the convention, the delegates were expelled from the church and later were ejected from their boarding houses. Nevertheless the abolitionists went to Peterboro, about 25 miles from Utica (on their way being ill-treated by a mob at Vernon†), and there effected their organization.‡

Meanwhile an attack had been made on the United States mail at Charleston. On July 29, 1835, a Southern newspaper (the *Southern Patriot,* of Charleston) announced that a steamer from New York had arrived laden with copies of abolition papers from the North. The *Patriot* declared:

> "Now it is a monstrous abuse of the privilege of the public mail, to use it as the vehicle for conveying and scattering in every direction over the South and West the moral poison with which these publications are drugged. Some mode of prevention should be adopted to abate this nuisance. If the mail cannot be purged of this pernicious stuff * * * if the general post-office is not at liberty to act in this manner, it is impossible to answer for the security of the mail in this portion of the country." *

According to the *Charleston Mercury* of July 30, some of these papers were addressed to citizens and to clergymen of all denominations, and others to post-offices in Alabama, Georgia, Louisiana and Mississippi. Claiming that this was an abuse of the postal privileges, it was said that some measures ought to be taken to prevent the circulation of these tracts and papers. The *Mercury* said:

> "The circulation of such papers is already severely punish[able] by the laws of South Carolina, and should any agent of the Northern fanatics, who are endeavoring to spread devastation and ruin through the fair fields of the South be detected in the act, he would assuredly expiate his offense on the gallows." †

Such measures would have been taken at a meeting of the citizens, had not the lieutenant of the city guard persuaded the people to disperse quietly, but on July 29, 1835, a few of the more excitable element broke into

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* *Niles Register,* vol. xlix., pp. 146–149.

† *Ibid,* vol. xlix., p. 183.

‡ *Ibid,* pp. 162–163; Wilson, *Rise and Fall of Slave Power,* vol. i., pp. 287–291.

* *Niles' Register,* vol. xlviii., p. 402.

† *Ibid,* vol. xlviii., p. 403.

the post-office and carried off the abolition paper,* and on the following evening, in the presence of an immense crowd, burned them, together with effigies of Garrison and other abolitionists.† The postmaster reported to the authorities in Washington and Postmaster-General Kendall wrote in reply‡ that no authority existed for excluding newspapers from the mail because of their real or supposed character or tendency; yet he would not explicitly order him to forward the papers. The post-office had been created to serve the people of the United States, and not be an instrument of their destruction. "We owe an obligation to the laws but a higher one to the communities in which we live, and if the former be perverted to destroy the latter, it is patriotism to disregard them. Entertaining these views, I cannot sanction, and will not condemn the step you have taken. Your justification must be looked for in the character of the papers detained and in the circumstances by which you are surrounded."* The Northern papers thereupon raised a great cry, for while they acknowledged that the circulation of incendiary tracts was inadmissible, yet who gave Kendall the right to judge of what was incendiary or inflammatory? Could an individual or a class decide whether a law was unjust and that it was patriotism to disregard it? In his report to the President, Kendall explained his position in the matter. He said that the papers were most flagitious and that such inflammatory matter could never be transmitted through the South. It had been his object, therefore, to intercept such publications with as little trouble as possible and he thought that this could best be done by allowing each postmaster to determine for himself what the effect might be on the people of the community of the transmission of such mail matter. This he was sure would prevent the rising indignation of the South.

A mania for lynching, riots, and anti-slavery meetings then swept the country. The Richmond meeting of August 4, 1835, requested the North to put down the abolitionists and called on the Postmaster-General to prohibit the transmission of printed papers that might encourage an insurrectionary spirit among the slaves of the South.† On August 11 the Char-

* The *Southern Patriot* said that this act of violence was an over-hasty one and that it would have been time "to take the law into their own hands when an unsatisfactory answer had come from the general post-office. But we would suggest that whatever be done in that way, let it be performed in open daylight and on the highway, and that persons of responsibility and weight of character be deputed to act in the name and for the good of the whole of the citizens."—*Niles' Register*, vol. xlviii., p. 403.

† McMaster, vol. vi., pp. 274–275; Jervey, *Robert Y. Hayne and His Times*, pp. 379–380; Garrison, *Life of Garrison*, vol. i., p. 485; Schouler, *United States*, vol. iv., p. 220.

‡ *Niles' Register*, vol. xlviii., p. 448.

* Sumner, *Life of Jackson*, pp. 350–351; Parton, *Life of Jackson*, vol. iii., pp. 586–587; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 323.

† *Niles' Register*, vol. xlviii., pp. 444–446.

leston city council offered a reward of $1,000 for the arrest and conviction of any person printing, publishing, or circulating any incendiary paper, and declared that any person who voluntarily received such a paper or was in communication with abolitionists and abolition societies was an enemy to the State.* Foreign persons having abolition literature in their possession were mobbed and driven out of town, others were lynched, and still others were subjected to severe whipping. At Petersburg resolutions were adopted requesting the Postmaster-General to exclude papers of a seditious character from the mail. Kendall replied that he lacked power to do this, but added that the use of the mails for transmission from one State to another of printed matter tending to promote sedition was a violation of the spirit if not the letter of the Federal compact, and that the injured States would be justified in resorting to any measure to exclude such incendiary matter.† Early in August of 1835 the postmaster at New York requested the American Anti-Slavery Society not to use the mails for transmitting their tracts to the Southern States, and when the Society refused, he announced that such tracts and newspapers would be laid aside, nor would they be sent in any direction by mail unless the Postmaster-General should so direct.‡ On August 22 Kendall approved this act, saying that had he been in the position of the New York postmaster he would have acted in the same manner:

"Your act prevents the certain seizure of all the mails in the aggravated States with a view to the interception and destruction of the noxious papers, * * * prevents a speedy interruption of commerce and trade between the North and the South, for there are abundant evidences that the vessels or steamboats which should be known to come freighted with these papers, whether in the mail or out, would not long be suffered to float in safety in the Southern ports; allays in some degree the excited feeling of the white man against the blacks * * *; [prevents your becoming] an agent of blind fanaticism or wicked design, which, if successful, could not fail to produce on our shores the horrors of San Domingo * * *; prevents the government being made the unwilling abettor of crimes against the States which strike at their very existence, and gives time for the proper authorities to discuss the principles involved and digest a safe rule for the future guidance of the department. As a measure of great public necessity, therefore, you and the other postmasters who have assumed the responsibility of stopping these inflammatory papers, will, I have no doubt, stand justified in that step before your country and all mankind." *

The abolitionists were then denounced at several public meetings held in the North. At New York one of the greatest meetings ever held in the city denounced the methods of the abolitionists and the sending of abolition publications to the slaveholding States, save to subscribers, as an infringement of State rights.† At Portland a set of resolutions was adopted on August 21 declaring that the sending of incendiary pamphlets and tracts through the mail to the blacks of the slaveholding States was an abuse of the mails and tended to lead

* Niles, p. 441.
† *Ibid*, vol. xlix., pp. 7-8.
‡ *Ibid*, vol. xlviii., pp. 410, 447–448.

* *Niles' Register*, vol. xlix., pp. 8–9.
† *Ibid*, vol. xlix., pp. 9–10.

the people of the South to dissolve the Union.* Still more vigorous language was used in the protests issued at meetings in Boston† and Philadelphia. The latter meeting called on the legislature to enact such laws as would protect the Southern people from incendiary movements within the State of Pennsylvania.‡ The abolitionists were denounced by public meetings at Newark, New Haven, Albany, Troy and Lowell, by the Baltimore Annual Conference of the Methodist Episcopal Church, by the Synods of South Carolina and Georgia, and by the clergy of Richmond.‖ Negro schools were also suppressed by the city authorities of Charleston. On the other hand, the Massachusetts Anti-Slavery Society defended its course of action in an address to the public on August 17, stating that it had circulated no documents among the slaves and claiming the right of freedom of speech and the liberty of the press:

"It is intimated that we are guilty of circulating incendiary publications among the southern slaves. We utterly and indignantly deny the calumny, and we call for the proof. We have no design and no means to address the slaves. Nothing can be further from our wishes than to excite the slave population. We should consider any action of this kind as far worse than useless — as highly dangerous and as little less criminal than murder. Why should we seek to promote insurrection? What should we not lose by it? As merchants and mechanics, as citizens and parents, as patriots and Christians, we have as much to risk as others in this community; and we know that such an event would be the greatest calamity to the slaves and to the cause of freedom. No anti-slavery society, and no person connected with any anti-slavery society, is believed to have ever inculcated any circulation whatever, as is so often hinted, but never yet, we believe, distinctly charged, by the opposers of our cause. We solemnly pledge ourselves, that if it can be shown that any person connected with our cause has ever circulated inflammatory tracts among the slaves, or with a view to be read by them, we will publicly renounce him as a foe to the peace of society, and to the best interest of the oppressed.

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"We have never advocated the right of physical resistance on the part of the oppressed. We assure our assailants that we would not sacrifice the life of a single slaveholder to emancipate every slave in the United States." *

In an address to the public, dated September 3, 1835, the American Anti-Slavery Society asserted that the States alone could abolish slavery, but that all American citizens possessed the right to express opinions regarding the Constitution, laws. and institutions of any State.†

On the other hand, Harrison Gray Otis, in a speech at Faneuil Hall, Boston, on August 22, said:

"These documents [the abolition pamphlets] they gravely say, are for the master and not for the slave. This excuse is an admission that it would be wrong to put them into the hands of the slaves. But such an excuse is an insult to common sense. If the pious and philanthropic persons of the association believe that these publications, or the sentiments contained in them, will reach only the ears of the masters, it is only evidence of a new variety in the fever of enthusiasm, by which such persons deceive themselves. * * * Almost all the epithets of vituperation which our language affords, have been applied to the slaveholders or their principles. * * * The slaveholders themselves are denounced as murderers and man-stealers — as

* Niles, vol. xlviii., p. 454.

† *Ibid*, pp. 454–456.

‡ *Ibid*, p. 456.

‖ *Ibid*, vol. xlix., pp. 40–41, 72–73.

* Niles, vol. xlviii., 456–457.

† *Ibid*, vol. xlix., pp. 28–29; McMaster, vol. vi., pp. 279–280.

receivers who are as bad as the thieves. Their Christianity is styled a 'chain-forging Christianity,' a 'whip-plotting Christianity,' with other invented names of odious and opprobious import. The Scriptures have been eviscerated from Genesis to Revelation, to supply their armory of wrath — and every text that bears upon the vices of cruelty and inhumanity is tortured so as to bear upon the slaveholder. * * * Conceive, sir, of the pretence that these publications are intended for the exclusive benefit of the souls and bodies of highminded, intelligent and sensitive persons — selected at this warm season, and sent to them for light summer reading — to soften their tempers and enlighten their consciences." *

In spite of the protests against sending anti-slavery documents through the mails, the practice continued. In certain parts of the South, therefore, it was resolved that if the anti-slavery States did not enact laws to prevent the proceedings of their abolition societies, it would become the duty of the whole South to leave the Union.† Such sentiment, however, found little favor, and the plan which received the most consideration was suspension of trade with the North.‡ It was said that Southern trade was essential to the North and that without it the latter section would soon fall into decay. There was no reason why Richmond could not import as cheaply as New York, nor was there any reason why a system of internal improvements could not be devised to join the seaports of the South with the great West.

When the various State legislatures met in November nearly all the gov-

* *Niles' Register*, vol. xlix., pp. 10–12.

† See, for instance, the resolutions of the Charleston meeting, *Niles' Register*, vol. xlviii., pp. 446–447, also vol. xlix., p. 40.

‡ "Let non-importation agreements be entered into by a proper combination among those engaged in trade at the South, to cease all intercourse with places that show hostility, or a criminal indifference to our rights and interests." (*Charleston Patriot*). "Let our planters and cotton buyers in the interior compel the American cotton and rice trade to concentrate on the seaboard of the cotton and rice growing states. There is no need of sending their produce to be stored in New York to insure a speedy realization of the proceeds. Why not store it here? Our banks are able and willing to advance to every reasonable extent. Let us then take our own trade with Europe into our own hands, and assert, at least, our commercial independence of the north. Let the whole people of the south urge and encourage their merchants to effect this patriotic and union-preserving object. Let it be one of the chief subjects of deliberation in the convention of the southern states, if that convention is called, as we trust it will be in accordance with the Charleston resolutions; in the end the step must result, not only in the greater stability of southern institutions, but in southern wealth, derived from retaining at home all those benefits of southern industry on which northern enterprise now fattens. It may starve some of the restless spirits of fanaticism out of their present purse-fed insolence, and, at any rate, will compel the trading community in that section to attempt, by striking down this hell-born monster of hypocrisy at home, to win back the confidence which once gave them a rich portion of the products of southern labor." (*New Orleans Bee*). "Southern commerce is essential to the north. Without it their cities had been fishing villages and whaling stations; without it they would soon feel the touch of decay; * * * it will render us less dependent on the north, build up southern cities, invigorate southern trade, open a direct intercourse with the markets of Europe, and secure to southern citizens those immense profits on southern business which are now principally monopolized in New York. * * * That the south should transact her own buying and selling, without the intervention of northern agents, who run away with the profits, is a proposition so undeniably true, and an end so patriotic, that every hand and every heart should be united to effect it. The south would then find some equivalent for sustaining the almost entire burden of the government of the Union." (*Richmond Whig*). See *Niles' Register*, vol. xlix., pp. 74, 78, 79.

ernors brought the subject to the attention of the legislative bodies. In his inaugural address on November 4, 1835, Governor Schley, of Georgia, said that the evil practices menacing the institutions of the country had sprung up in the North, and that it was for the North to apply the remedy, but if the actions of the abolitionists were tolerated much longer the South could not longer remain in the same social system as the North.* The governor of North Carolina recommended that the slaveholding States coöperate in such measures as might insure their safety, and that all the States enact such penal laws as would save the Union.† Governor McDuffie, of South Carolina, in a message to the legislature in 1834, made a similar recommendation, adding:

"Domestic slavery, therefore, instead of being a political evil, is the corner-stone of our republican edifice. No patriot who justly estimates our privileges will tolerate the idea of emancipation, at any period, however remote, or on any condition of pecuniary advantages, however favorable. I would as soon open a negotiation for selling the liberty of the state at once, as for making any stipulations for the ultimate emancipation of our slaves." ‡

Referring to the abolitionists, he said:

"It is my deliberate opinion that the laws of every community should punish this species of interference by death, without the benefit of clergy, regarding the authors of it as enemies of the human race."‖

On December 19, 1835, resolutions were adopted by the North Carolina legislature requesting coöperation in enacting laws to prevent the printing and circulating of "all such publications as may have a tendency to make our slaves discontented." * South Carolina requested that the non-slaveholding States "promptly and effectually suppress all those associations within their respective limits, purporting to be abolition societies," and called for laws making it a penal offence "to print, publish, or distribute newspapers, pamphlets, tracts, or pictorial representations calculated to incite slaves to revolt." † Alabama requested the enactment of penal laws which would "put an end to the malignant deeds of the abolitionists," and Virginia and Georgia requested the suppression of all associations "purporting to be, or having the character of abolition societies." ‡ A committee of the Massachusetts legislature drew up a set of resolutions against the abolitionists;‖ the New York legislature adopted a report which promised to accede to the wishes of the South;§ and the Governors Edward Everett, of Massachu-

* *Niles' Register*, vol. xlix., p. 187.

† *Ibid*, p. 228.

‡ Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 324–325; Grimké, *Life of Garrison*, p. 243.

‖ Speech of William Slade in the House, January 18–20, 1840, given in full in *Niles' Register*, vol. lxi., p. 140.

* Niles, vol. xlix., p. 309; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 325.

† *Niles' Register*, vol.. xlix., p. 308; McMaster. vol. vi., p. 287; Harris, *The Political Conflict in America*, p. 74.

‡ Von Holst, *Constitutional and Political History*, vol. ii., p. 114; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 325; Goodell, *Slavery and Anti-Slavery*, pp. 413–414; *Niles' Register*, vol. xlix., p. 245.

‖ *Niles' Register*, vol. l., p. 87.

§ Goodell, *Slavery and Anti-Slavery*, p. 420.

setts, and William L. Marcy, of New York, made recommendations to their legislatures that laws be enacted in accord with the desires of the Southern States.* Bills to this end were introduced in New York and Rhode Island, but nothing was done.† The vigilance committee of East Feliciana parish, Louisiana, offered a reward of $50,000 for the delivery of Arthur Tappan, "the notorious abolitionist."‡ Alabama went still further. On September 25, 1835, the grand jury of Tuscaloosa County indicted Robert G. Williams, publisher of the *Emancipator* in New York, for disseminating seditious articles.|| On November 14 Governor John Gayle sent a requisition for Williams to Governor Marcy, of New York, in accordance with Art. IV., sec. 2, ¶ 2 of the Constitution, that he might be tried under the laws of Alabama.§ Gayle admitted that his demand was hardly proper since Williams was not in the State when the crime was committed nor had he fled therefrom, but he thought that the wording of the Constitution could not be decisive in this case because Williams "had evaded the justice" of the laws of Alabama. Moreover, he said:

"It has been improperly admitted by writers in the South who have been engaged in discussing this subject, that the constitution and laws of the United States, in regard to fugitives from justice, do not authorize a demand for the delivery of these incendiaries to the States whose laws they have violated. This opinion has been embraced under the erroneous impression that the rules of strict construction which, with great propriety, apply to certain parts of the constitution must necessarily apply to all others." *

Many expressed the conviction that the institution of slavery would be permanent in the South. The *Charleston Courier* said:

"As respects the institution of slavery, we firmly believe that it will be perpetual in the south; and, to say the least, are certain that ages must roll into the eternity of the past before any scheme of general emancipation can be attempted with the remotest probability of success."†

The *Columbia Telescope* contained the following:

"Let us declare through the public journals of our country that the question of slavery is not and shall not be open to discussion — that the system is deep-rooted among us and must remain forever — that the very moment any private individual attempts to lecture us upon its evils and immorality, and the necessity of putting means into operation to secure us from them, in the same moment his tongue shall be cut out and cast upon the dunghill." ‡

In his seventh annual message to Congress, December 7, 1835, President Jackson spoke of the attempt to use the mails for the purpose of spreading anti-slavery documents, and said:

"It is proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the Confederacy, from being used as an

* Grimké, *Life of Garrison*, p. 243 *et seq.*; Goodell, p. 415; McMaster, vol. vi., p. 287; Harris, *The Political Conflict in America*, p. 75.

† Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 326–327.

‡ *Niles' Register*, vol. xlix., p. 172.

|| *Ibid*, vol. xlix., p. 149.

§ *Ibid*. p. 290.

* Niles, vol. xlix., pp. 358–360; Von Holst, *Constitutional and Political History*, vol. ii., p. 412.

† *Niles' Register*, vol. xlix., p. 74.

‡ *Ibid*, vol. xlix., p. 65.

instrument of an opposite character. * * * I would therefore call the special attention of Congress to the subject and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection." *

The President's remarks were sent to a select committee of the Senate, which, on February 4, 1836, reported through Calhoun that to act in accordance with the President's suggestions would violate the Constitution and overturn the reserved powers of the States. Congress had no power to abridge the liberty of the press, and to forbid the circulation of incendiary documents would imply that Congress had the right to decide what papers should be carried in the mails, and thus the freedom of the press would be abridged.† Again, Congress possessed power to defend the States against external danger, but the power to regulate domestic affairs and to defend their internal peace and security were among the enumerated powers which had been reserved to the States.‡ The bill as introduced by the committee, therefore, provided that no deputy postmaster should receive or put in the mail any printed matter directed to any post-office or person in any State, Territory, or district, the circulation of which was forbidden by the laws of such State, Territory, or district.* The opponents of the bill argued that if such printed matter were denied the privilege of the mail, then the Declaration of Independence, the Constitution of Massachusetts, and similar documents, which declared all men were born free and equal, might be adjudged inflammatory and excluded from the mail; that speeches made in Congress of an inflammatory nature might be excluded; that the regulation of the mail was transferred by this bill from the National to the State government; that postmasters, in order to determine whether forbidden documents were enclosed in the mails, must examine the contents of letters or packages, and to do so must even break open some; that the postmasters were thus clothed with judicial powers, for they were vested with the right to determine whether the contents of the mails were incendiary; that it violated the constitutional right of the people to be secured against unreasonable searches and seizures; † and that the impairment

* Richardson, *Messages and Papers*, vol. iii., pp. 175–176; *Niles' Register*, vol. xlix., p. 256; *Register of Debates*, vol. xii., pt. iv., p. 11; Benton, *Abridgment*, vol. xii., p. 699.

† The report is in *Niles' Register*, vol. xlix., pp. 408–411; *Register of Debates*, vol. xii., pt. iv., app., pp. 72–76, and the bill is in *Register of Debates*, vol. xii., pt. i., pp. 383–389, and in Benton, *Abridgment*, vol. xii., p. 720.

‡ Harris, *The Political Conflict in America*, pp. 76–77; Schurz, *Life of Clay*, vol. ii., p. 83; Von Holst, *Life of Calhoun*, pp. 135–136; Jenkins, *Life of Calhoun*, p. 329. See also Von Holst, *Constitutional and Political History*, vol. ii., p. 131 *et seq.*

* Rhodes, *United States*, vol. i., p. 67; Von Holst, *Life of Calhoun*, p. 138; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 324.

† As an instance of this, a Southern postmaster writes to a friend in Boston as follows: "Yesterday while examining the mail in search of

of contracts was authorized in that the Government permitted papers entrusted to it for carriage and delivery to be seized and held merely on the opinion of the postmaster.* On the other hand, it was argued that the States had the sole right to prohibit the circulation of incendiary documents;† that the transmission of such documents interfered with the rights of the States over slavery by aiding and abetting an attempt to destroy these rights;‡ and that to carry such publications into the South was not for the public welfare, to conserve which power had been granted to Congress to regulate post-offices and post-roads.* Clay wanted to know where Congress had obtained power to pass a law to put the State laws into execution. Congress possessed only such powers as were granted it by the Constitution, and he was not able to discover in that instrument any such power.† Davis, of Massachusetts, asked:

"If Congress, by its acts, so far adopts the laws of a State as to make it a rule of conduct for public officers, requiring them, under penalties, to obey it, is not such a law in fact a law of Congress, by adoption? Is it not in truth a part of our legislation in the regulation of the post-office as much as if it had emanated directly from Congress?"

'incendiaries' I discovered a letter written on a beautiful sheet of pink paper. I broke it open, and, lo and behold, it was a love letter from our old friend Miss ——— to young ———, of this village. It would make you laugh to read it." *Niles' Register*, vol. xlviii., p. 451.

* Curtis, *Life of Webster*, vol. i., p. 530; Von Holst, *Constitutional and Political History*, vol. ii., pp. 129–130.

† "If the right to protect her internal peace and security belongs to a state, the general government is bound to respect the measures adopted by her for that purpose and to coöperate in their execution, as far as its delegated powers may admit, or the measure may require. Thus, in the present case, the slaveholding states have the unquestionable right to pass all such laws as may be necessary to maintain the existing relations between master and slave in those states; their right, of course, to prohibit the circulation of any publication or any intercourse calculated to disturb or destroy that relation, is incontrovertible. In the execution of the measures which may be adopted by the states for this purpose, the powers of congress over the mail and of regulating commerce with foreign nations and between the states, may require coöperation on the part of the general government; and it is bound, in conformity with the principle established, to respect the laws of the state in their exercise, and so to modify acts as not only not to violate those of the states, but, as far as practicable, to coöperate in their execution."— Calhoun's *Works*, vol. iii., p. 199.

‡ "Will any rational being say that the laws of eleven states of the Union, which are necessary to their peace, security and very existence, ought to yield to the laws of the general government regulating the postoffice, which at the best is a mere accommodation and convenience — and this when the government was formed by the states mainly with a view to secure more perfectly their peace and safety? But one answer can be given. All must feel that it would be improper for the laws of the states, in such a case, to yield to those of the general government, and, of course, that the latter ought to yield to the former. When I say ought, I do not mean on the principle of concession. I take higher grounds; I mean under the obligation of the constitution itself. * * * I must tell the senate, be your decision what it may, the south will never abandon the principles of this bill. If you refuse coöperation with our laws, and conflict should ensue between yours and ours, the southern states will never yield to the superiority of yours. * * * Let it be fixed, let it be riveted in every southern mind, that the laws of the slave-holding states for the protection of their domestic institutions are paramount to the laws of the general government in regulations of commerce and the mails; that the latter must yield to the former in the event of conflict."— Calhoun's *Works*, vol. ii., pp. 527, 533.

* Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 341–342.

† Benton, *Thirty Years' View*, vol. i., p. 587.

Buchanan asked if the Government had any power over the mails. Was the Government bound by the Constitution to circulate through the post-office publications which would arouse the slaves and incite them to insurrection? "Suppose," said he, "that a portion of the country were in open rebellion. Would the government be compelled to assist the rebels by transmitting to them through the Post Office such publications and information as would assist them in their designs?" He said that Congress had just as much right and power to determine what should and what should not be carried in the mails as to fix the rate of postage. Despite the arguments in its favor, however, the bill was rejected on June 8 by a majority of six (25 to 19).* Soon after both Houses passed a bill, which became law July 2, 1836, prohibiting postmasters "unlawfully" to hold in their offices "any letter, package, pamphlet, or newspaper, with intent to prevent the arrival and delivery of the same." †

Meanwhile, on January 7, 1836, Ohio had presented two petitions to the Senate praying that slavery be abolished in the District of Columbia.* Calhoun endeavored to prevent the presentation and discussion of the petitions.† On January 11, 1836, Buchanan presented a memorial from the Friends and, though he thought the petitioners were entitled to respect, moved that it be rejected.‡

"Our true position," Calhoun said on March 9, "that which is indispensable to our defence *here*, is, that Congress has no legitimate jurisdiction over the question of slavery, either here or elsewhere. The reception of this petition surrenders this commanding position; yields the question of jurisdiction, so important to the cause of abolition and so injurious to us; compels us to sit in silence to witness the assaults on our character and institutions, or to engage in an endless contest in their defence. Such a contest is beyond mortal endurance. We must, in the end, be humbled, degraded, broken down and worn out.

"The senators from the slave-holding states, who, most unfortunately, have committed themselves to vote for receiving these incendiary petitions, tell us that whenever the attempt shall be made to abolish slavery they will join with us to repel it. * * * But I announce to them that they are now called on to redeem their pledge. *The attempt is now* [*making*]. The work is now going on daily and hourly. The war is waged not only in the most dangerous manner, but in the only manner it can be waged. Do they expect that the abolitionists will resort to arms, and commence a crusade to liberate our slaves by force? Is that what they mean when they speak of the attempt to abolish slavery? If so, let me tell our friends of the South who differ from us that the war which the abolitionists wage against us is of a very different character, and far more effective. It is a war of religious and political fanaticism, mingled, on the part of the leaders,

* *Register of Debates*, vol. xii., pt. i., pp. 1093, 1103–1108, 1124, and pt. ii., pp. 1675, 1721–1737; Rhodes, *United States*, vol. i., p. 68; Benton, *Abridgment*, vol. xii., pp. 753–759, 771; Schurz, *Life of Clay*, vol. ii., pp. 84–85; Roosevelt, *Life of Benton*, pp. 169–170; Schouler, *United States*, vol. iv., pp. 226–227; Shepard, *Martin Van Buren*, p. 236 *et seq.*

† Von Holst, *Constitutional and Political History*, vol. ii., p. 139.

* *Register of Debates*, vol. xii., pt. i., p. 72; Benton, *Abridgment*, vol. xii., p. 705.

† Schurz, *Life of Clay*, vol. ii., p. 78; Hunt, *Life of Calhoun*, p. 229 *et seq.*; Von Holst, *Life of Calhoun*, p. 124; Peck, *The Jacksonian Epoch*, pp. 277–278.

‡ *Register of Debates*, vol. xii., pt. i., p. 99; Benton, *Abridgment*, vol. xii., p. 711; Schouler, *United States*, vol. iv., p. 227; *Niles' Register*, vol. l., pp. 147, 342–343.

with ambition and the love of notoriety, and waged, not against our lives, but against our character. The object is to humble and debase us in our own estimation, and that of the world in general; to blast our reputation, while they overthrow our domestic institutions. This is the mode in which they are attempting abolition, with such ample means and untiring industry; and *now is the time* for all who are opposed to them to meet the attack. How can it be successfully met? This is the important question. There is but one way: we must meet the enemy on the frontier — on the question of receiving; we must secure that important pass — it is our Thermopolæ. The power of resistance, by a universal law of nature, is in the exterior. Break through the shell, penetrate the crust, and there is no resistance within. In the present contest, the question on receiving constitutes our frontier. It is the first, the exterior question, that covers and protects all the others. Let it be penetrated by receiving this petition, and not a point of resistance can be found within, as far as this government is concerned. If we cannot maintain ourselves there, we cannot on any interior position. * * * There is no middle ground that is tenable." *

Finally such objection was made to the language of the petitions from Ohio that they were withdrawn† and the question was debated as to whether or not the petition from the Friends should be received. The affirmative arguments were that the Constitution guaranteed to the people the right to assemble and petition for redress of grievances; that to refuse to receive such a petition was a violation of this right; that Congress had exclusive jurisdiction over the District of Columbia and might abolish slavery there should it so decide; that the petition was therefore an appeal to Congress to enact a law quite within its powers; and that Congress could not discriminate and say that on some subjects it would receive petitions and on others it would not. In opposition to the petition it was urged that Congress was not empowered to abolish slavery; that a petition requesting Congress to act contrary to the Constitution was unconstitutional; that a petition to Congress must be for a redress of grievances, and it was not a personal grievance to freemen that negroes were slaves. The refusal to receive a petition did not abridge the right to petition; the rejection of a petition did not condemn the petitioners unheard, because when Congress was requested to act in a way that was forbidden by the Constitution, it need not stop to hear the petition; and because Congress had no power to question an institution guaranteed by the Constitution nor any right to assail nor permit to be assailed the domestic institutions of a section of the country.* Slaves were private property and Congress could not take away private property without just compensation.† Again, while Con-

* *Register of Debates*, vol. xii., pt. i., pp. 774–775; Von Holst, *Life of Calhoun*, pp. 129–130; Calhoun's *Works*, vol. ii., p. 483.

† For the debates see *Register of Debates*, vol. xii., pt. i., pp. 185–211, 300–303, 471–477, 500–533, 578–580, 635–662, 664–721, 726–748, 751–782; Benton, *Abridgment*, vol. xii., pp. 713–720, 722–741.

* Von Holst, *Life of Calhoun*, pp. 126–127. See also Roosevelt, *Life of Benton*, p. 164 *et seq.*

† Calhoun said: "We love and cherish the Union; we remember with the kindest feelings our common origin, with pride our common achievements, and fondly anticipate the common greatness and glory that seem to await us; but origin, achievements, and anticipation of common greatness are to us as nothing, compared with

gress had the exclusive power of legislation over the District, this was not an unlimited or despotic power. Congress could not abolish property in lands, establish a community of goods or enact agrarian laws.* When Maryland and Virginia ceded the District to the United States, Congress was merely given the power of ordinary legislation over the District, and this power did not extend to abolition.*

Finally, on March 9, when the question was put: Shall the petition be received? the yeas were 36 and nays 10.† Clay then moved that the petition be rejected because the people of the District had not petitioned that slavery be abolished, and because the enactment of such a measure would seriously injure Virginia and Maryland,‡ but he soon withdrew his motion.|| Buchanan's motion to reject the petition was then adopted and, on March 11, by a vote of 34 to 6, the memorial was rejected.§

Three petitions were presented to the House. The first was sent to the Committee on the District and the second was laid on the table, but when the third was presented a motion was made that it be not received, which was later changed into a motion to reject.¶ During the course of the debate Owens introduced two resolutions declaring that "the question of the abolition of slavery in the District of Columbia ought not to be enter-

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this question. It is to us a vital question. It involves not only our liberty, but, what is greater (if to freemen anything can be), existence itself. The relation which now exists between the two races in the slave-holding States has existed for two centuries. It has grown with our growth and strengthened with our strength. It has entered into and modified all our institutions, civil and political. None other can be substituted. We will not, cannot, permit it to be destroyed. * * * Come what will, should it cost every drop of blood and every cent of property, we must defend ourselves; and if compelled, we would stand justified by all laws, human and devine; * * * we would act under an imperious necessity. There would be to us but one alternative — to triumph or perish as a people. * * * I ask neither sympathy nor compassion for the slave-holding States. We can take care of ourselves. It is not we, but the Union, which is in danger. * * * We can remain here in an endless struggle in defence of our character, our property and institutions."— *Register of Debates*, vol. xii., pt. i., pp. 777–778; Von Holst, *Life of Calhoun*, pp. 132–133; Calhoun's *Works*, vol. ii., p. 489.

* "If a petition should be presented praying the abolition of the Constitution (which we are all bound by our oaths to protect), according to this abominable doctrine it must be received. So if it prayed the abolition of the Decalogue, or of the Bible itself. I go further. If the abolition societies should be converted into a body of atheists, and should ask the passage of a law denying the existence of the Almighty Being above us, the Creator of all, according to this blasphemous doctrine we would be bound to receive the petition, to take jurisdiction of it. * * *.— Calhoun's *Works*, vol. ii., p. 481; *Register of Debates*, vol. xii., pt. i., p. 774.

* McMaster, vol. vi., pp. 291–293.

† *Register of Debates*, vol. xii., pt. i., p. 779; Benton, *Abridgment*, vol. xii., p. 741; Peck, *The Jacksonian Epoch*, p. 279; Schouler, *United States*, vol. iv., p. 228.

‡ *Register of Debates*, vol. xii., pt. i., p. 779.

|| Schurz, *Life of Clay*, vol. ii., pp. 80–81.

§ *Register of Debates*, vol. xii., pt. i., pp. 803–810; Benton, *Abridgment*, vol. xii., pp. 741–742; Peck, *The Jacksonian Epoch*, p. 279; Von Holst, *Constitutional and Political History*, vol. ii., p. 242.

¶ *Register of Debates*, p. 1996; Benton, *Abridgment*, vol. xiii., p. 7; Schouler, *United States*, vol. iv., p. 228.

tained by Congress," and that thereafter when any petition requesting such action was presented it should be "laid on the table without reading." Within a few days (January 4 and 18, 1836) John Quincy Adams presented several memorials, among them one from Massachusetts, whereupon the usual motion was made that they be laid on the table without debate.* It was then asked if the memorial had been received, and as the Speaker stated that it had not, it was moved that it should not be received. This motion was decided to be in order, the Speaker holding that the 45th rule could not apply until the petition had been received. From this decision Adams appealed.† As a gag, Jarvis then re-introduced the resolutions of Owens,‡ and Glascock offered an amendment: "RESOLVED, That any attempt to agitate the question of slavery in this House is calculated to disturb the compromises of the Constitution, to endanger the Union, and if persisted in to destroy, by a servile war, the peace and prosperity of the country."|| For this Wise then presented a substitute as follows: "That there is no power of legislation granted by the Constitution to the Congress of the United States to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will not only be unauthorized, but dangerous to the Union of the States."* Jarvis accepted Glascock's amendment and discussion then began on the substitute offered by Wise. There were now three questions before the House — Adams' appeal from the ruling of the chair, the motion of Mr. Jarvis, and the substitute of Wise. The appeal was decided in favor of the Speaker, and then the question of receiving the petition and numbers of others since presented was taken up and laid on the table.† On February 4 Henry L. Pinckney moved that all the petitions, Jarvis' resolution, Wise's substitute, and all other papers relating to the abolition of slavery which had been presented to Congress should be sent to a select committee with instructions to report that Congress had no power to meddle with slavery in any of the States and that Congress ought not to have meddled with it in the District of Columbia.‡ Pinckney's resolution was adopted and on February 8, 1836, a committee of nine was appointed,|| On May 18 the committee presented a long report§ at the end of which were three resolutions, the first declaring

* Morse, *John Quincy Adams*, pp. 249–250.

† *Register of Debates*, vol. xx., pt. ii., pp. 2128–2129.

‡ *Ibid*, p. 2135.

|| *Ibid*, p. 2137.

* *Register of Debates*, p. 2136.

† *Ibid*, pp. 2168–2172, 2178–2180, 2219–2221, 2237–2263, 2314–2342, 2448–2466.

‡ *Ibid*, pp. 2482–2483; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 312–313; Schouler, *United States*, vol. iv., p. 228.

|| *Register of Debates*, vol. xii., pt. ii., pp. 2491–2502; Benton, *Abridgment*, vol. xiii., pp. 12–14.

§ For which see *Niles' Register*, vol. l., pp. 241–248; *Register of Debates*, vol xii., pt. iv., pp. 104–114.

that Congress had no authority under the Constitution to interfere with slavery in the States; the second declaring that Congress ought not to interfere with it in the District of Columbia; and the third declaring that "all petitions, memorials, resolutions, propositions, or papers relating in any way or to any extent whatsoever to the subject of slavery or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."* The Southern members denounced this report chiefly because it did not state that Congress had no right to abolish slavery in the District. Nevertheless the three resolutions were passed, the first on May 25 by a vote of 182 to 9, the second on May 26 by 132 to 45, and the third the same day by a vote of 117 to 68.†

Among the people, however, the debate went on as vigorously as ever. The General Conference of the Methodist Church at Cincinnati declared that it did not wish "to interfere with the civil or political relations of master and slave,"‡ while the General Assembly of the Presbyterian Church at Pittsburg did not consider it proper for an ecclesiastical body to interfere.* The Massachusetts legislature stated that it had no right whatever to interfere with slavery in the South; that the agitation for abolition could produce no good results, but would, on the other hand, do great evil, and urged the citizens to abstain from all discussions and other proceedings which might inflame the public mind.

The attitude of the public toward freedom of the press was strikingly illustrated in the case of James G. Birney. In 1833 Birney had become interested in the organization of a branch of the Colonizing Society of the State of Alabama, shortly afterward returning to Kentucky, his native State. He began a colonizing society there also and became its president, but in 1834, his views rapidly advancing, he espoused the cause of immediate emancipation in a public letter on colonizing, at the same time emancipating all his own slaves (about 20). He then made an arrangement to establish a newspaper at Danville to disseminate his views, but finding it impossible to have such a paper printed in Kentucky, he removed to Cincinnati, where early in the spring of 1836 he began the publication of *The Philanthropist*.† Only a few weekly numbers had been issued when the paper was found to

* *Register of Debates*, p. 3757; Benton, *Abridgment*, vol. xiii., p. 28; Morse, *John Quincy Adams*, pp. 250–251.

† Peck, *The Jacksonian Epoch*, pp. 273–274; *Register of Debates*, vol. xii., pt. iv., pp. 4009–4032, 4050–4054; McMaster, vol. vi., pp. 293–296. See also Morse, *Life of John Quincy Adams*, p. 251; Harris, *The Political Conflict in America*, pp. 81–82.

‡ *Niles' Register*, vol. l., pp. 233–234.

* *Niles' Register*, p. 250.

† Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 275–276.

be no less abnoxious to public sentiment in Ohio than it had been in Kentucky, and the press-room was broken open and the press, type, and material defaced or destroyed. A demand was then made that the mayor offer a reward for the arrest and conviction of the offenders, but he refused to comply until the amount of the reward had been deposited. At a public meeting on July 23 the spirit of *The Philanthropist* was condemned, resolutions passed against allowing the publication or distribution of an abolition newspaper, and a committee appointed to request Birney and his associates to discontinue the publication or hold themselves responsible for the consequences.* This committee was referred by Birney to the authorities of the Ohio Anti-Slavery Society, who on July 29 replied that they would not discontinue the publication of the paper, as such action would involve the surrender of the liberty of the press and the right of free discussion.* When this refusal became known, a large mob gathered before the office of the offending journal and the press, type, and furniture were destroyed. A crowd then visited Birney's house with the intention of tarring and feathering him; but, as he could not be found, the mob went to "Church Alley" to sack a few houses of black and white men and women, and a dozen such houses were destroyed. The next day search was made for Birney, but he could not be found. A public meeting was then held at which the opinion was expressed that the recent outrages were caused by the establishment of an abolition press.†

* *Niles' Register*, vol. l., p. 397.

† Richardson, *Messages and Papers*, vol. ii., p. 437.

* The complete reply is in Niles, p. 393.

† *Ibid.*, p. 393; William Birney, *James G. Birney and His Times*, pp. 204–219, 240–255; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 277–279.

CHAPTER VIII.

1829–1836.

FOREIGN RELATIONS.

The dispute with England over the West Indian trade — The controversy over the status of slaves in the West Indies — The failure of France to pay the spoliation claims — The subsequent settlement of the dispute — Claims conventions and commercial treaties with other nations.

In his first inaugural address President Jackson said that "with foreign nations it will be my study to preserve peace and to cultivate friendship on fair and honorable terms"† and in his annual message of December 8, 1829, expressed his "settled purpose to ask nothing that is not clearly right and to submit to nothing that is wrong."‡ Judging from Jack-

‡ Richardson, p. 443.

son's previous conduct on several occasions, it was apparent that it would not be his fault if the Nation failed "to cause all our just rights to be respected."

During his term of office relations with foreign powers were eminently cordial and only one or two incidents arose to mar the pleasantness, the most important of these being the disputes with England and France.* For many years Americans had coveted the British West Indian trade, but their vessels had been rigorously excluded by the British Navigation acts. In 1822 certain West Indian ports were opened to direct trade with the United States, though heavy duties were imposed and some American articles of export were excluded. Reciprocally the United States opened its ports to British West Indian goods, provided they were imported in British bottoms, and allowed exports to the islands to be carried in British vessels. Three years later, however, England enacted a "most favored nation" law, established new rates of duty, and imposed on American vessels entering Canadian ports the same tonnage duties as were imposed on British vessels in American ports. Americans ignored this act, however, and on July 27, 1826, the British Parliament passed an act closing the West Indian ports to American vessels after December 1. Accordingly, on March 17, 1827, President Adams issued a proclamation revising the prohibitory provisions of the American acts of April 18, 1818, and May 15, 1820.* Thus again direct trade with the West Indies was prohibited to Americans.

McLane, Jackson's first minister to England, immediately began negotiations to reopen this trade under the terms of the British act of 1825, under the plea that public opinion in the United States had changed so radically that Americans would now accept as a "privilege" what they had hitherto demanded as a "right."† Moreover in his first annual message Jackson, evidently with the object of placating England in the hope of obtaining concessions, referred to her as "alike distinguished in peace and war" and as a nation with which "we may look forward to years of peaceful, honorable, and elevated competition * * * mutual respect, * * * and most cordial relations."‡ On May 29, 1830, therefore, Congress authorized the President, when England abrogated her discriminations against American vessels, to open American ports on reciprocal terms.|| This, together with Jackson's frank course and McLane's representations, had its effect on the British government,

* The trouble with Mexico respecting Texas will be treated in another connection.

* Richardson, *Messages and Papers*, vol. ii., pp. 375–376; *American State Papers, Foreign Relations*, vol. vi., pp. 247–249.

† *Senate Doc.* 20, pp. 1–64, 21st Congress, 2d session.

‡ Richardson, *Messages and Papers*, vol. ii., p. 443.

|| *United States Statutes-at-Large*, vol. iv., p. 419.

and on October 5, 1830, Jackson announced in a proclamation that the acts of April 18, 1818, May 15, 1820, and March 1, 1823, were absolutely repealed and that trade was restored.*

Soon afterward another dispute arose regarding the status of slaves carried into the British West Indies. In December of 1830 the schooner *Comet* set sail from Alexandria, in the District of Columbia, for New Orleans with 164 slaves owned by men migrating to the southwest. It was driven by a storm upon the reefs of one of the Bahama islands.† The wrecked passengers and slaves were finally carried, against the remonstrances of the captain, to Nassau, New Providence, where the negroes were libelled as forfeit under the British act prohibiting the slave trade. The court dismissed the libel and the governor set the negroes free, under a decision made in 1818 that Africans shipwrecked on the shores of a British colony should not be considered as slaves illegally imported, but as free persons, and that the colonial government could not surrender these Africans without their consent. The Secretary of State protested against this seizure and the American minister in London repeatedly demanded damages from the British authorities. But up to 1834 the only notice taken of the demand was a statement from Lord Palmerston that the case had been referred to the crown lawyers. In February of 1834 another schooner, the *Encomium*, sailed from Charleston for New Orleans with 45 slaves and was wrecked on the Fish Keys, not far from the place where the *Comet* had been wrecked. The passengers and slaves were again rescued, again taken to Nassau and the slaves set free. While this case was pending, Parliament enacted the West Indian Emancipation Act of 1834.

A few months later (in March of 1835) another vessel, the *Enterprise*, with 78 slaves, was driven by storms into the port of Hamilton in the Bermudas. When the presence of the slaves became known, the Friendly Society sued out a writ of *habeas corpus* so that the slaves might decide whether they would continue in the ship to their destination and remain slaves, or whether they would stay in Bermuda and become free. The slaves were taken into court and all chose to remain in Bermuda, whereupon they were set free and promptly given positions as domestic servants or taken in charge by the Friendly Society.* Stevenson, then minister at London, brought the case to the attention of the British government, but again it was not considered.†

Meanwhile the country had become greatly alarmed at the prospect of war with France, for that country had failed to perform her obligations under the treaty of 1831. This treaty

* Richardson, *Messages and Papers*, vol. ii., pp. 497–499.

† *Niles' Register*, vol. xl., p. 63–64.

* *Niles' Register*, vol. xlviii., p. 44.

† McMaster, vol. vi., pp. 241–243.

had been signed at Paris, July 4, 1831, among whose provisions was one that "the French government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations or destruction of their vessels, cargoes, or other property, engages to pay the sum of 25,000,000 francs to the United States who shall distribute it among those entitled in the manner and according to the rules it shall determine," and that this 25,000,000 francs should be paid at Paris in six annual instalments, the first after ratifications were exchanged and the others at yearly intervals.* Ratifications of the treaty had been exchanged on February 2, 1832,† but, though the news of the act reached Paris while the Chambers were in session, no legislative provision was made by France for the execution of the treaty either respecting the indemnity to be paid or the commercial benefits to be secured to the United States.‡ When the first instalment became due, February 2, 1833, the draft of the United States government for that instalment was dishonored by the French minister of finance.* Two more sessions of the Chambers came and went and two instalments were overdue before a bill was introduced authorizing the payment of the money. But this resulted only in a refusal of the necessary appropriations. King Charles, however, alarmed lest the friendship of the two nations should be destroyed, conveyed the king's regrets to our minister and declared that a national vessel should be sent out forthwith with instructions to the French minister to give the most ample explanations of the past and the strongest assurances as to the future. The French minister gave pledges that as soon as the charter would permit after the election of new members, the French Chambers would be called together and a proposition for an appropriation be laid before them, and that the king would exert all his influence to secure the passage of such an appropriation. Relying on these promises, Jackson had not thought it necessary to call the attention of Congress to the subject during the last session. But when the new Chambers met on July 31, 1834, no attempt was made to secure an appropriation to carry the treaty into effect. This might have been overlooked had not the Chambers been prorogued without acting on the claims until December 29, 1834, too late for the decision of the French Chambers to

* *Treaties and Conventions* (ed. 1889), pp. 330, 345–347; *Niles' Register*, vol. xliv., p. 220; Peck, *The Jacksonian Epoch*, pp. 246–248.

† Sumner, *Life of Jackson*, pp. 170–171; Jackson's message of December 1, 1834, in Richardson, *Messages and Papers*, vol. iii., p. 101. For the act to carry the treaty into effect see *Register of Debates*, vol. viii., pt. iii., p. xxxvi.

‡ For the report of the French Minister of Finance regarding these claims see *Niles' Register*, vol. xliv., pp. 263–264.

* Schouler, *United States*, vol. iv., p. 243; Parton, *Life of Jackson*, vol. iii., pp. 566–567.

become known to that Congress prior to its dissolution.* Our minister in France had urged the convocation of the Chambers at an earlier date, but his request was denied, though the refusal was accompanied by positive assurances on the part of the French government that the appropriation would be pressed at the next session of the Chambers.†

Jackson said that the idea of acquiescing in this refusal to execute the treaty would not be entertained for a moment by any branch of the Government and that further negotiation was out of the question. The important question was, What measure should be adopted to force the French to carry the treaty into effect? Our institutions, he said, are essentially pacific. Peace and friendly intercourse are as much the desire of our Government as they are the interest of our people, but these objects could not be secured by surrendering the rights of our citizens or by permitting treaties to be set aside. He then suggested the remedy:

"It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures and tonnage may be subjected to heavy duty in our ports, or all commercial intercourse with her may be suspended. But there are powerful, and to my mind, conclusive objections to this mode of proceeding. We cannot embarrass or cut off the trade of France without, at the same time, in some degree, embarrassing or cutting off our own trade. * * * I recommend [therefore] that a law be passed authorizing reprisals upon French property in case provision shall not be made for the payment of the debt in the approaching session of the French Chambers." *

In the Senate the President's message was referred to the Committee on Foreign Relations and on January 6, 1835, an able report on the subject disapproving the President's recommendation to make reprisal on French property was presented by Mr. Clay.† The phraseology of the report was objected to and was changed so as to read "that it is inexpedient at the present to attempt any legislative measure in regard to the state of affairs between the United States and France."‡ On the 14th this resolution was unanimously passed.‖ In the House the President's message produced a severe struggle, an attempt being made to instruct the Committee on Foreign Relations to report that it was inexpedient to await the further action of the French Chambers.§ After a short

* Schouler, *United States*, p. 244. See also McMaster, vol. vi., pp. 236–237.

† Much of the correspondence is in *Niles' Register*, vol. xlvii., p. 323 *et seq.* See also p. 454 *et seq.* and vol. xlviii., p. 13 *et seq.;* also *Register of Debates*, vol. xi., pt. ii., app., pp. 108–144, 164–169.

* Richardson, *Messages and Papers*, vol. iii., pp. 105–106; *Register of Debates*, vol. i., pt. ii., app., p. 5.

† *Niles' Register*, vol. xlvii., pp. 322–323, 344–352; *Register of Debates*, vol. xi., pt. i., p. 104, pt. ii., app., pp. 208–219; Clay, *Life of Clay*, pp. 230–231; Peck, *The Jacksonian Epoch*, p. 249.

‡ Schurz, *Life of Clay*, vol. ii., pp. 55–56; Parton, *Life of Jackson*, vol. iii., p. 572.

‖ Benton, *Abridgment*, vol. xii., p. 577; Peck, *The Jacksonian Epoch*, p. 249; *Register of Debates*, vol. xi., pt. i., pp. 200–216.

§ *Register of Debates*, vol. xi., pt. i., pp. 763–777.

debate this motion was withdrawn, and during the closing days of the session the committee reported three resolutions.* The first stated that it would be "incompatible with the rights and honor of the United States" to enter into further negotiations relating to the treaty of 1831 and that the United States would insist on its execution; second, that the committee should be discharged from further consideration of the subject; and third, that "contingent preparations ought to be made to meet any emergency growing out of our relations with France."† After going into Committee of the Whole the House adopted the second and third resolutions, but changed the first so as to read, "that in the opinion of this House the treaty of July 4, 1831, should be maintained and its execution insisted upon." On March 2 the resolutions thus amended were unanimously passed.‡

The President's message threw France into a state of violent excitement.|| The French minister at Washington was recalled and the American minister at Paris was offered his passports. Livingston was thereupon instructed that, unless a bill providing for the payment of the indemnity was presented to the Chambers, or if rejected when presented, a frigate would be sent by the Government to bring him back to the United States. Before these instructions reached Paris a bill was introduced in the Chamber of Deputies and pressed on April 25, 1835, declaring the willingness of the French government to pay the three instalments then due, but the bill was so amended as to require some explanation from the American government and an expression of regret by the United States.* Livingston protested against this, denied the right of any government to dictate what the President should say in his messages to Congress,† asked for his passports, and in the following June arrived in Washington. Instructions were then sent to Mr. Thomas P. Barton, the chargé, that he should follow Livingston to the United States if the bill were rejected, but in case it were passed conditionally, to await orders. The bill was passed conditionally and Barton was then instructed to inquire what were the intentions of the French government, and in case a day for the payment of the money was not set, to ask for his passports and quit the country.‡

* The report of the committee is in *Niles' Register*, vol. xlviii., pp. 5–11; *Register of Debates*, vol. xi., pt. ii., app., pp. 177–185.

† *Register of Debates*, vol. xi., pt. ii., p. 1517.

‡ *Niles' Register*, vol. xlvii., p. 421, *et seq.*; *Register of Debates*, vol. i., pt. ii., pp. 1531–1556, 1570–1634; Sumner, *Life of Jackson*, p. 345; Morse, *John Quincy Adams*, pp. 239–240; Peck, *The Jacksonian Epoch*, pp. 249–250.

|| Parton, *Life of Jackson*, vol iii., p. 570.

* *Niles' Register*, vol. xlvii., p. 436; vol. xlviii., p. 220; Schouler, *United States*, vol. iv., p. 246.

† *Niles' Register*, vol. xlviii., pp. 318–320. See also his previous letters in *ibid*, p. 23 *et seq.*

‡ For the correspondence between Livingston, Forsyth and others, see Richardson, *Messages and Papers*, vol. iii., pp. 135–145, 178–185. See also Parton, *Life of Jackson*, vol. iii., p. 573

On January 18, 1836, the President sent a message to Congress (dated the 15th) in which he said that Barton had approached the French government on the subject and had been informed that France would

"pay the money when the Government of the United States is ready on its part to declare to us, by addressing its claim to us officially in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French government nor to take a menacing attitude toward France. * * * If the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error." *

Barton thereupon asked for his passports and sailed home; the chargé of France was then recalled, and in the autumn of 1835 all diplomatic intercourse was suspended. Jackson then said in his message that

"reprisals would be best adapted to the emergency then contemplated. * * * In the altered state of the questions in controversy, and under all existing circumstances, it appears to me that until such a determination shall have become evident it will be proper and sufficient to retaliate her present refusal to comply with her engagements by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former in the present posture of our affairs as being the least injurious to our commerce and as attended with the least difficulty of returning to the usual state of friendly intercourse if the Government of France shall render us the justice that is due, and also as a proper preliminary step to stronger measures should their adoption be rendered necessary by subsequent events." *

This communication was referred to the Committee on Foreign Relations, but before the Committee could make any report a new message went to Congress on February 8, informing that body that Great Britain had assumed the rôle of peacemaker and offered both parties her friendly mediation. Jackson said that both governments had accepted it and recommended the suspension of retaliatory measures, but urged a vigorous prosecution of the works for permanent National defence.† Jackson was soon informed that his Britannic majesty had received assurances from France that the frank and honorable manner in which the President in his message had expressed himself regarding the points at issue between the two governments had remedied all defects and that France would pay the indemnity. On May 10, 1836, before Congress adjourned, Jackson had great pleasure in announcing that four instalments then due had been paid and that no exertions would be spared to efface the memory of the misunderstanding which had interrupted the intercourse between the two nations.‡

* Richardson, *Messages and Papers*, vol. iii., pp. 188–189; and for the correspondence between Barton, Duke De Broglie and others, pp. 193–213. See also Sumner, *Life of Jackson*, p. 347; *Niles' Register*, vol. xlix., p. 345 *et seq.; Register of Debates*, vol. xii., pt. i., pp. 163–167; Benton, *Abridgment*, vol. xii., pp. 711–713.

* Richardson, *Messages and Papers*, vol. iii., pp. 191–192.

† Richardson, *Messages and Papers*, vol. iii., p. 227; *Register of Debates*, vol. xii., pt. i., p. 390; Benton, *Abridgment*, vol. xii., p. 721. The documents submitted on February 22 are in *Register of Debates*, pp. 580–590.

‡ Sumner, *Life of Jackson*, p. 348; Parton, *Life of Jackson*, vol. iii., pp. 578–579.

During Jackson's term of office several other claims of a similar nature were prosecuted and in some cases settled. The subject of a treaty for the arbitration of claims growing out of the battle between the British war vessels and the *General Armstrong,* in Fayal Roads in 1814,* was broached but nothing was accomplished until 1851, when the decision was against the United States. In June of 1828, diplomatic relations had been suspended, after Don Miguel seized the throne, but during the summer of 1829 they were resumed. Portuguese vessels still continued their depredations on American commerce, however, and intercourse was again broken off, not to be resumed until 1835. In 1830 a convention was concluded with Denmark for the payment of claims amounting to $650,000. Similar conventions were concluded with the two Sicilies in 1832 and with Spain in 1834. Commercial interests were furthered by the negotiation of commercial treaties with Austria-Hungary in 1829, with the Ottoman Porte in 1830, with Mexico in 1831, with Russia and Chile in 1832, with Siam and Muscat in 1833, and with Venezuela, the Peru-Bolivian Confederation, and Morocco in 1836. In March of 1829 two commercial treaties concluded with Prussia and Brazil in 1828 were ratified. There were reciprocal suspensions of discriminating tonnage duties by Austria in 1829, the Grand Duchy of Oldenburg in 1830, Mecklenburg-Schwerin in 1835, and Tuscany in 1836.

CHAPTER IX.

1830–1837.

AFFAIRS ALONG THE BORDERS.

Joseph Smith and the discovery of the Book of Mormon — The rise of the sect and its migration Westward — Its persecution in Missouri — Attempts to purchase Texas — The revolution in Texas and the formation of an independent government — The Mexican minister's protest at Gaines' invasion and Jackson's attitude — Proceedings in Congress regarding recognition of Texan independence — The Toledo War and the subsequent admission of Michigan — The Black Hawk War — Opening of the Seminole War.

A movement destined to become important in the political life of the country was then well under way in the West. At Manchester, Ontario (now Wayne) County, New York, lived a young man, Joseph Smith by name. He was much given to visions and in 1820, during a religious revival, he prayed, according to his own account, for guidance, and was told by two heavenly messengers not to join any sect. On September 21, 1823, an angel of the Lord appeared to him and told him of a book engraved on

* See vol. v., pp. 10–13 of this History.

gold plates, and containing the "Fullness of the Everlasting Gospel," which he would find under a rock on the hill Cumorah, four miles from Palmyra, between that town and Manchester. Smith declared that he found the golden plates, and also two stones called Urim and Thummim, by whose aid he was to translate the writing on the plates. The characters on these plates were in a tongue styled "reformed Egyptian," and by the use of the Urim and Thummim he was able to read the mysterious letters and to translate them into English. On attempting to take the plates from under the stone, the angel approached and commanded him to return to the spot on the anniversary of that night for the next four years. Hence Smith did not come into possession of the golden book, the Urim and Thummim and the breastplate, until 1827.

The work of translation was begun. As it was considered desirable and important to have a witness and an assistant, Smith selected Martin Harris, and the two would retire to the attic of a farm house, where Smith on one side of a curtain, would read from the golden plates, while Harris on the other side, would write down what he heard. When 116 pages had been written they fell into the hands of Mrs. Harris, and were never seen again. As it was impossible to reproduce an exact copy of the manuscript, this was a serious loss; but Smith was commanded by God to continue the work, and translate from the plates of Nephi, which contained a more complete account than those of Lehi, which he had previously used. The translation was then resumed with Smith's wife as the writer, and continued until April of 1828, when her place was taken by Oliver Cowdery. By June of 1829 the manuscript was ready for the printer, and in 1830 *The Book of Mormon: An Account written by the Hand of Mormon, upon Plates taken from the Plates of Nephi* was issued from the press of the *Wayne Sentinel* at Palmyra. That the plates really existed, that they had been seen, and that the translation was in reality made by the gift and power of God, was attested to by the certificates of 11 men. The book itself tells how, at the time of King Zedekiah of Jerusalem, a pious Israelite, by the name of Lehi, with his family, had migrated from Palestine to America. Lehi described on these plates the account of his marvelous adventures, as well as the revelations which God vouchsafed to him. Many of his sons, like Laman, went into the wilderness, and became the ancestors and chiefs of the North American Indians. The descendants of his son Nephi became good Christians many centuries before Christ, and among them were preserved the dignity of the priesthood and their sacred plates. To the descendants of this family appeared Christ when he rose from the dead, and he chose from the family 12 apostles, who, within a brief space of time, converted the whole country

to Christianity. But at the beginning of the fourth century, as a result of the wars then prevailing, the church became disintegrated and Mormon, a mighty hero and pious Christian, rose in his might and drove out the Laminites, who had meanwhile become bad and relapsed into barbarism. Nevertheless they returned about the year 400, and the Nephites perished before them. Mormon's son, Moroni, finished the history of his people in 420. It was claimed at one time that this book was a plagiarism on a novel written by a clergyman named Solomon Spaulding several years before, but later the original manuscript of Spaulding's book was found and was proved by comparison to be entirely different.*

Steps were then taken to organize a church. Smith received the priesthood of Aaron from John the Baptist, whom he met in the woods, and of Melchizedek, from Peter, James and John. By April of 1830 Smith had enough followers to establish a church, and on April 6, 1830, the Mormon church was regularly organized and established at Fayette, Seneca County, New York, and in June the first conference was held. Smith was recognized as a prophet, and signalized his "new dispensation" by casting out a devil from Newell Knight, of Colesville, Broome County. Another revelation was then made to Smith and Cowdery, bidding them carry the gospel "unto the Laminites," and accordingly Cowdery and three others

* Regarding this controversy and on the origin of the *Book of Mormon*, see A. H. Guernsey, *Solomon Spaulding and Joseph Smith* (1885); Charles Thompson, *Evidence in Proof of the Book of Mormon being a Divinely Inspired Record, Written by the Forefathers of the Natives whom we call Indians, but Come Forth in Fulfilment of Prophecy* (1841); George Reynolds, *The Myth of the "Manuscript Found," or, the Absurdities of the Spaulding Story* (1883); Rev. Solomon Spaulding, *The "Manuscript Found" Manuscript Story, Printed from a Verbatim Copy, made (expressly for this edition) from the Original in the Possession of President James H. Fairchild, of Oberlin College, Ohio* (1886); Theodore Schroeder, *The Origin of the Book of Mormon, Re-examined in its Relation to Spaulding's "Manuscript Found"* (1901); Orson Pratt, *Divine Authenticity of the Book of Mormon* (1850–1851); P. B. Pierce, *The Origin of the Book of Mormon*, in *American Anthropologist*, N. S., vol. i., pp. 675–694 (1899); Robert Patterson, *Who Wrote the Book of Mormon?* (1882); *Origin of the Mormon Imposture*, in *Littell's Living Age* (1851); *Story of the Man who First Printed the Book of Mormon*, in *The American Bookseller* (1877); E. B. T. Spencer, *Notes on the Book of Mormon*, in *Methodist Review*, vol. lxxxvii., pp. 31–43 (1905); L. Call, *Two Thousand Changes in the Book of Mormon, Containing the Way the Book is Claimed to have been Translated, the amendments, * * * showing that the Claims are Inconsistent and Untrue* (1898); N. T. Lamb, *The Golden Bible or the Book of Mormon. Is it from God?* (1886); Rev. M. S. Lamb, *The Mormons and their Bible* (1901); James Williams, *The Law of the Book of Mormon*, in *American Law Review*, vol. xxxiv., pp. 219–223 (St. Louis, 1900); Mrs. S. E. Park, *The Mormons, Their Religion and Identity with the Bible* (1875); George Reynolds, *A Dictionary of the Book of Mormon* (1891); John E. Page, *The Spaulding Story Concerning the Origin of the Book of Mormon* (1866); J. H. Flanigan, *Mormonism Vindicated* (1849); James H. Kennedy, *The Three Witnesses of the Book of Mormon* (1890); Maitland Davidson, *Folly and Falschood of the Golden Book of Mormon* (1839); Henry Caswell, *Mormonism and Its Author* (1852); Alexander Campbell, *Delusions; An Analysis of the Book of Mormon and a Refutation of Its Pretences to Divine Authority* (1832).

started west in October. Preaching as they went, the four men finally reached Kirtland, Ohio, where a number of converts were baptized. Within a few weeks the Mormon church at Kirtland numbered 100, and the Mormon congregations gradually increased in number and wealth through the efforts of missionaries sent out by the prophet. Among the converts was Sidney Rigdon, a Campbellite preacher of much influence in that section of the country.

The missionaries to the Laminites pushed forward to Sandusky, Cincinnati, and St. Louis, and traveled across Missouri until, early in 1831, they reached Independence, a town on the south bank of the Missouri River near the border of the State. There two of the four missionaries remained, but Cowdery and Pratt continued on into the Indian country. Here, however, they were turned back by the Federal authorities, for white men were forbidden by law to settle among the Indians. Pratt thereupon returned to Kirtland and so glowing was his account of the country that Smith, Rigdon, and 30 other elders decided to go thither at once. Abandoning everything, including their families, the elders set off, and by July had reached Independence. Smith was delighted at the prospect, immediately selected a site for a temple, and soon laid its cornerstone. As the news spread, the Mormons became eager to migrate thither, and within a few months, a Mormon town of 1,200 people, with workshops, stores, a printing house, and a newspaper had been established near Independence.

Becoming alarmed at the presence of this strange sect, the people of Jackson County, Missouri, tried to sell their farms, but the Mormons were too poor to buy, and as their numbers increased, the men of Jackson County, in the hope of driving them out, began to persecute them, stoning houses, burning hay-stacks, etc. Finally, on July 20, 1833, the men of Jackson County met at Independence, and charged the Mormons with meddling with their slaves, accused them of trying to convert free negroes and mulattoes to Mormonism, and denounced them as thieves, fanatics and blasphemers. It was agreed that, if the Mormons refused an offer of compensation for their lands and houses and to quit the country, they should be expelled by force. At a later meeting a demand that Mormons move from the country was adopted and sent to them, and when they refused the office of the Mormon newspaper, *The Evening and Morning Star*, was destroyed and two of the elders were tarred and feathered.* On July 23, 1833, an agreement was signed by both parties whereby certain Mormons were to leave the country before the end of the year and to use their influence to persuade their followers to do likewise before April 1, 1834. Violence was to cease and

* Lucien Carr, *Missouri*, p. 180.

the damage inflicted upon the printing office was to be made good.*

When Smith learned of these proceedings, he commanded his followers to continue the building of Zion and sent a petition to Governor Dunklin, of Missouri, who advised the Mormons to take the matter to the courts. Thus encouraged, the Mormons prepared to remain, erected some new buildings, and engaged counsel. This enraged the people of Jackson County, and during October and November of 1833 the Mormon settlement at Blue Ridge was attacked and the settlers were driven into hiding. Convinced at last that it was best to move, the Mormons agreed to go beyond the Missouri River. Burning their houses and selling their cattle, the faithful, to the number of 1,500, migrated to Clay County. It then dawned upon Smith that "the redemption of Zion must needs come by power," and he therefore gathered at Kirtland a body of 200 men known as "the army of Zion." On May 5, 1834, the army set out from Kirtland and slowly made its way to the Mississippi. When near Liberty (Clay County, Missouri), Smith was met by John Atchison and a deputation of Missourians, who warned him not to enter the town. The advice was heeded and the army disbanded. Some returned to Ohio, but most of them remained with the struggling community established in Clay County.†

Meanwhile the Southwest was in a state of turmoil. Internal dissension had disorganized Mexico; her citizens were in rebellion, and a foreign invader was on her soil.

Hence it seemed that Mexico could easily be persuaded to part with Texas. In August of 1829, therefore, Poinsett was directed to open negotiations for as much of Texas as he could get.* He was to offer $5,000,000 for so much as lay east of a line starting at the Gulf between the Nueces and the Rio Grande, thence running westward and northward to the mountain separating the waters of the Rio Grande and those flowing eastward to the Gulf and along these mountains to the 42d degree of north latitude. In case Mexico should reject this, he was to propose a similar piece of territory, payment to be made in proportion to its size, and to propose the west bank of the Rio de la Baca from its mouth to its source, a line due north to the Colorado, the west bank of the Colorado to its source, a line around the head waters of the Arkansas and the Red rivers to the 42d degree of latitude. If Mexico still declined the offer, he was to propose a third line along the west bank of the Colorado from its mouth to the source of its largest tributary

* *Niles' Register*, vol. xlv., p. 48.

† McMaster, vol. vi., pp. 102–107, 249–250. See also Kennedy, *Early Days of Mormonism;* Lynn, *The Story of the Mormons;* Pomeroy Tucker, *Origin, Rise and Progress of Mormonism;* John A. Clark, *Gleanings of the Way;* Howe, *Mormonism Unveiled;* Brigham H. Roberts, *Missouri Persecutions* (1901) and *Documentary History of the Mormon Church* (5 vols., 1909).

* *House Ex. Doc.* 42, 25th Congress, 1st session, pp. 10–16.

and thence around the head waters of the Arkansas and Red rivers to the 49th parallel. Should none of these propositions impress the Mexicans favorably, Poinsett was authorized to accept the west bank of the Rio Brazon de Dios from its mouth to the source of its most westerly branch and thence to the 42d parallel. These propositions were coldly received, however, for by this time Poinsett's activities in establishing Masonic chapters had involved him in difficulties with the Mexican government and he was recalled.* His successor, Anthony Butler, attempted to persuade the Mexican officials to part with Texas, but met with no better success, and the negotiations were abandoned for some time, for it was becoming apparent that the Texans themselves would soon wrest the country from the Mexicans.

After Guerrero was elected President of Mexico, another revolution occurred and the Vice-President, Bustamente, was placed in power. The latter arbitrarily forbade the further introduction of slaves into Texas, established custom houses at various places, and sent soldiers thither. The latter, the Texans declared, were chiefly criminals and convicts, and so made their country a penal colony.†

Santa Anna next revolted against the arbitrary rule of Bustamente and declared for the constitution of 1824.* Supposing that the Texans were bent on separation from Mexico, Santa Anna sent a fleet and a force to put them down, but John Austin and others convinced him of their loyalty and the troops were withdrawn. The garrison at Nacogdoches was next captured by the citizens; the Mexican soldiers at San Antonio joined the revolutionary army; and by the summer of 1832 Texas was free from military rule.† The question of establishing statehood and local government now began to be discussed,‡ and in April, 1833, a convention assembled at San Felipe, adopted a constitution for the State of Texas,‖ approved a petition asking that Texas be admitted into the Mexican Union, and deputized Stephen Austin and two

* *Ex. Doc.* 351, 25th Congress, 2d session, vol. xii., pp. 37–40. See also Poinsett's letter in *Niles' Register*, vol. xxxvii., pp. 91–93.

† Bruce, *Romance of American Expansion*, p. 95.

* For text of which see, *Federal and State Constitutions*, vol. vi., pp. 3475–3494.

† Henry Bruce, *Life of General Houston*, p. 75.

‡ Von Holst, *Constitutional and Political History*, vol. ii., pp. 563–564. Writing to Jackson, February 17, 1833, Houston said: "Now is a very important crisis for Texas. As relates to her future prosperity and safety, as well as the relations which it is to bear to the United States it is now in the most favorable attitude, perhaps, that it can be to obtain it on fair terms. England is pressing her suit for it, but its citizens will resist if any transfer should be made of them to any Power but the United States. I have traveled nearly five hundred miles across Texas, and am now enabled to judge pretty correctly of the soil and resources of the country, and I have no hesitancy in pronouncing it the finest country, for its extent, upon the globe. * * * It is probable that I may make Texas my abiding place. In adopting this course I will never forget the country of my birth."—Henry Bruce, *Life of General Houston*, pp. 81–83.

‖ For which see Edwards, *History of Texas*, pp. 196–205.

others to carry the petition to Mexico.* Austin went alone, however, and shortly after Santa Anna's inauguration as president, presented the petition. As months passed with no action on the part of the Mexican congress, Austin wrote to the municipality of Bexar urging that Texas organize a state independent of Coahuila without waiting for permission from Mexico and even if the Mexican government should refuse consent.† The municipality of Bexar disapproved of these sentiments, however, and sent the letter to the Mexican authorities, by whose orders Austin, while on his way home, was seized at Saltillo, taken back to Mexico, and early in 1834 cast into prison.‡

Santa Anna now threw off his republican mask, dissolved the Congress, dismissed the council and governor, and made himself dictator. The petition of the Texans for state government was promptly rejected and 4,000 troops were sent into Texas under the pretense of defending the coast and frontier. Thoroughly alarmed, the Texans formed committees of safety and correspondence and issued a call for a convention to meet at San Felipe in October, but before the convention met, the whole country was in arms and the war for independence had begun. Aware that Texas must soon become a separate State, the new legislature of Coahuila and Texas in March of 1835, in order to benefit the treasury, sold four leagues of land in Texas to speculators. Learning of this, Santa Anna sent General Martin Perfecto de Cos to Monclova to disperse the legislature.* That body directed the governor to remove the archives to Texas and adjourned. The Mexican congress deposed the state authorities and annulled its decrees of 1835; and when Cos reached Monclova such members of the legislature as were within reach were imprisoned and subsequently banished. The war party in western Texas then rushed to arms, raised the standard on the plains of San Jacinto, and expelled the captain and garrison at Anahuac.† Several small engagements took place within a short time between the two parties.‡

Meanwhile Austin had been set free and upon his arrival at Brazoria was given a public dinner at which he made a speech, telling his hearers that Santa Anna intended to destroy the Constitution of 1824, turn the states into provinces and set up a centralized government.|| He urged the assembling of the proposed convention. Reports now came in rapid succession from various points, of the movement of troops into Texas, the shipment of arms and ammunition, and the seizure of persons hostile

* Sarah B. Elliott, *Sam Houston*, pp. 44–45.

† *Ibid*, p. 46.

‡ H. A. Bruce, *The Romance of American Expansion*, p. 97; Bruce, *Life of General Houston*, pp. 86–87.

* Elliott, *Sam Houston*, pp. 49–50.

† Bruce, *Life of General Houston*, p. 89.

‡ Elliott, p. 52 *et seq.*

|| Bruce, *Life of Houston*, p. 90–91.

to Santa Anna. Believing that the time for action had come, the people were urged to send delegates to a general convention, to organize and drill militia, and to form companies of volunteers.* When the convention met in October of 1835 so many delegates were fighting the Mexicans in the field that a recess was ordered until November 1. On November 7, 1835, a declaration was adopted† setting forth that the Texans had taken up arms in defence of republican principles and the constitution of 1824; that they claimed independence as a right, but if Mexico were governed under the constitution they would yield allegiance to her; that they were no longer morally bound by the compact of union, but would help such Mexican states as would resist military despotism; and that all who aided the Texans in their struggles against Mexico would be received as citizens of the new republic and rewarded with grants of land. A provisional government was then organized,‡ Henry Smith being elected governor, James W. Robinson lieutenant-governor, Samuel Houston commander-in-chief of the Texan armies,‖ and Stephen F. Austin, Branch T. Archer and William H. Wharton commissioners to the United States. The government was authorized to contract for a loan of $1,000,000, on security of public lands, to establish a postal service, to arrange treaties with the Indians, and to create a regular army of 1,120 men.* The convention adjourned till March 1, 1836.

While the new government was in process of formation the congress of Mexico published a decree which completely changed the whole course of affairs. This body had assembled in July and, claiming that it possessed power to amend the constitution of 1824, decreed that a centralized form of government should be adopted and reduced the states to departments under the governorship of a military commandant and a bishop. On October 23, 1835, the acting president issued a decree abolishing all state legislatures, making the governors dependent on the will of the supreme government, and creating departmental juntas of five members to serve as councils to the governors.† Nothing remained to the Texans, therefore, but submission or independence. The people chose to fight, and on December 10 the provisional government called a convention to meet on March 1, 1836. This convention adopted a declaration of independence‡ declaring Texas a free,

* *Niles' Register*, vol. xlix., pp. 143–145.

† For text see Thorpe, *Federal and State Constitutions*, vol. vi., p. 3527. *Niles' Register*, vol. xlix, p. 297; Bruce, *Life of Houston*, pp. 94–95.

‡ For text of the provisional constitution, see Thorpe, *Federal and State Constitutions*, vol. vi., pp. 3520–3526.

‖ Bruce, *Life of Houston*, p. 93.

* Elliott, *Sam Houston*, p. 60.

† *Niles' Register*, vol. xlix., p. 236.

‡ For text see Thorpe, vol. vi., pp. 3528–3530; D. G. Wooten, *Comprehensive History of Texas* vol. i., pp. 227–237; *Niles' Register*, vol. l., pp. 99–100.

sovereign and independent republic and all political connections with Mexico forever severed. On March 16, 1836, an "Executive Ordinance" was adopted, establishing a government *ad interim* until the people could elect a permanent president, vice-president and congress.* The next day a constitution was framed.† The common law of England was to be the basis of the jurisprudence of the new nation. Slavery was established and the manumission of slaves by their owners, without the consent of Congress, was prohibited. Free negroes were forbidden the country. Religious toleration was established as were also the jury system and the writ of *habeas corpus*. Imprisonment for debt, titles of nobility and monopolies were forbidden.‡ David G. Burnett was chosen president, Lorenzo de Zavala was chosen vice-president, and the appointment of Houston as commander-in-chief of the Texan army was confirmed.||

Meanwhile in December of 1835 the provisional government had decided to take the offensive. Early in January of 1836 two bands of volunteers set off toward Matamoras, but both fell in with the troops of Santa Anna and were totally annihilated, only two men escaping. The Mexicans in turn took the offensive and carried the war into Texas. One division under Generals Cos, Sesma, and Filisola marched against Bexar; another under Urrea and Garay went toward Goliad; while the third under Santa Anna was to act as circumstances might require. Santa Anna determined to join the movement against Bexar and late in February of 1836 appeared before San Antonio, captured the town* and drove the little band of defenders (about 175 in number†) under W. B. Travis into the Alamo. There the Texans were besieged for nearly two weeks, but on March 6 the Mexicans stormed the Alamo and engaged in a desperate hand-to-hand fight until all but a half-dozen Texans were killed. By order of Santa Anna these were promptly shot and not one of the garrison was thus left alive. Among the dead were David Crockett, one of the most famous frontiersmen of his day, and James Bowie, the inventor of the deadly bowie knife. The bodies of the slaughtered were then thrown into a pile and burned. The Mexicans suffered a loss of 521 killed.‡

* For text see Thorpe, vol. vi., pp. 3530–3531.

† For text see *ibid*, pp. 3532–3543.

‡ Von Holst, *Constitutional and Political History*, vol. ii., p. 568. See also *Senate Doc.* 415, 24th Congress, 1st session, pp. 1–23.

|| Elliott, *Sam Houston*, p. 76; Bruce, *Life of Houston*, p. 116. Carpenter, *The American Advance*, pp. 116–117. See also Schouler, *United States*, vol. iv., pp. 254–255; McMaster, vol. v., pp. 255–257; *The South in the Building of the Nation*, vol. iii., p. 365.

* *Niles' Register*, vol. l., p. 86.

† Bruce, *Life of Houston*, pp. 101, 105.

‡ J. L. Ford, *Origin and Fall of the Alamo* (1896); Williams, *Sam Houston and the War of Independence* (1893); Corners, *San Antonio de Bexar* (1890); the account in the biography of W. B. Travis in *National Cyclopedia of American Biography*, vol. iv., pp. 211–212; *Colonel Crockett's Exploits and Adventures in Texas* (1836); *Life of David Crockett, The Original Humorist*

After the fall of the Alamo, Colonel Fannin was ordered to abandon Goliad and to retreat to Victoria. Unfortunately he had sent a small force under Captain King to bring away some families from the mission of Refugio and he awaited the return of this force. When King approached the Refugio he was driven back by the enemy, and losing his way during the night, was surrounded on the open prairie, compelled to surrender, and with all his men shot by order of Urrea.

Hearing nothing from King, therefore, Fannin sent out another detachment under Colonel Wood, who in turn was overpowered and made prisoner. Flushed with success, Urrea now marched toward Goliad, and though Fannin's troops had seen Urrea's cavalry near the town on March 17, Fannin did not begin his retreat until the next day. The delay was unfortunate, for nine miles from Goliad he was overtaken by Urrea and on March 20, after a desperate fight (called the battle of Coleta) was compelled to surrender.* Including the men previously taken, there were now 400 prisoners in the hands of the Mexicans, and on Palm Sunday, March 27, these were marched out of the fort and shot by order of Santa Anna,* only about 27 escaping.†

At the time of the massacre at the Alamo, Houston, with a band of less than 400 effective men, lay at Gonzales on the bank of the Guadaloupe.‡ On learning of the disaster at the Alamo, Houston retreated eastward until he reached the San Jacinto, near the eastern edge of the settlement.‖ The Mexicans under Sesma followed closely. Santa Anna shortly took command, led the army to San Felipe, thence to Harrisburg, which was burned, and then to New Washington, near the head of Galveston Bay. At the latter place he had hoped to capture Governor Burnett, but, failing in this, he returned to the San Jacinto River, where on April 20 he came up with the Texan forces. Cos arrived the next day with reinforcements, but the Texans were so impatient to attack that they could not be restrained and in the afternoon Houston gave the order. The Mexicans poured in a volley of grape and musketry, but the Texan onrush could not be stopped. With shouts of "Remember the Alamo!" they stormed the breastworks and put the Mexicans to flight. The Texan loss was 2 dead and 23 wounded, Houston among the latter. The Mexican killed numbered 630, the

and Irrepressible Backwoodsman (1903); J. S. G. Abbott, *David Crockett* (1874); Cyrus T. Brady, *David Crockett and the most Desperate Defense in American History*, in *McClure's Magazine*, vol. xviii., pp. 252–261 (1902); E. S. Ellis, *Life and Adventures of Colonel David Crockett* (1861); *Niles' Register*, vol. l., pp. 121–123; Elliott, *Sam Houston*, pp. 72–81.

* Elliott, *Sam Houston*, p. 88; Bruce, *Life of Houston*, pp. 108–111.

* *Niles' Register*, vol. l., pp. 149, 221.

† Elliott, *Sam Houston*, p. 90.

‡ Bruce (*Life of Houston*, pp. 117, 125–126) gives the number as 700 at the time of the battle.

‖ Elliott, *Sam Houston*, pp. 84 *et seq.*, 92–104.

wounded 208, and toward nightfall 730 more, under Juan Nepomuceno Almonte, surrendered.* Santa Anna fled from the field to be captured the following day.† His recent butcheries had forfeited his life a hundred times and many demanded that he be executed as a murderer, but for political considerations his life was spared.‡ and negotiations were begun with him as president of Mexico. He was required to order Urrea, who had then taken Brazoria, to retreat to Victoria, and Filisola, then on the Brazos, to fall back to Bexar. On May 14 he signed a treaty at Velasco, agreeing to cease hostilities, to send the Mexican army out of Texas, and to use his influence to secure a recognition of the independence of Texas, with the Rio Grande as the boundary.|| Filisola, having succeeded Santa Anna in command, ratified the treaty and toward the latter end of May Texas was rid of the Mexican forces. The Mexican congress, however, declared that no act of Santa Anna's while a prisoner should be binding on the Mexican government.§

It was stipulated in the treaty that Santa Anna should be sent to Vera Cruz, and accordingly, on June 1, he was placed aboard the schooner *Invincible* at Velasco, but on June 4, just as it was about to sail, some soldiers from New Orleans learned that Santa Anna was to be set free and created such a disturbance* that he was taken ashore and sent to Quintana, near Velasco. On June 9 Santa Anna complained to Burnett that he had not been sent to Vera Cruz as the treaty stipulated. In reply, on June 10, Burnett reminded him of the massacres at the Alamo and Goliad, stating that his hardships were the fortunes of war, that his discomforts were no greater than those others had suffered, and that Mexico herself had not observed the treaty by releasing all Texan prisoners.† His fate was therefore left to be decided by the permanent government soon to be chosen. In the following September elections were held. Houston was chosen the first president under the constitution and M. B. Lamar, vice-president.‡ The people plainly indicated that they favored annexation to the United States and, in May of 1837, when the new Congress assembled, it authorized the President to sent a minister to Washington to negotiate a treaty of annexation.||

* Houston's report, in *Niles' Register*, vol. l., pp. 293–294; Von Holst, *Constitutional and Political History*, vol. ii., p. 570, note; Bruce, *Life of Houston*, pp. 117–129.

† *Niles' Register*, vol. l., p. 221; Elliott, *Sam Houston*, p. 108.

‡ Bruce, *Life of Houston*, p. 130 *et seq.*

|| *Niles' Register*, vol. l., pp. 336–337, 414; Carpenter, *The American Advance*, p. 118.

§ Von Holst, *Constitutional and Political History*, vol. ii., p. 571.

* Bruce, *Life of Houston*, pp. 142–143. See also Santa Anna's manifesto in *Niles' Register*, vol. lii., pp. 203–204.

† *Niles' Register*, vol. li., p. 191.

‡ *Ibid*, p. 67; Elliott, *Sam Houston*, p. 116; Bruce, *Life of Houston*, pp. 149–150.

|| McMaster, vol. vi., pp. 258–260; Bruce, *The Romance of American Expansion*, pp. 99–100. See also E. C. Barker, *The Organization of the Texas Revolution*.

On July 4, 1836, Santa Anna wrote to Jackson expressing a desire that no further blood be shed in the dispute between Mexico and Texas, and that Texas be independent of Mexico and annexed to the United States.* On September 4 Jackson replied that the United States could not act under the present condition of affairs, for until the independence of Texas were acknowledged no minister could be received nor any correspondence held with her as a nation. As Mexico had notified the United States that no act of Santa Anna's was binding on the Mexican government so long as he was a prisoner, our government must wait until Mexico had expressed her wishes.† If Mexico would make the boundary line of the United States the Rio Grande from its mouth to the 38th degree of latitude and thence to the Pacific, the United States would pay $3,500,000 guarantee to secure the Texans in all their rights and admit Texas to statehood.

On learning of the capture of Santa Anna, General Gaines at Cape Sabine promptly called on the governors of Louisiana, Mississippi, Alabama, and Tennessee for troops. On January 23, 1836, Gaines had been ordered by the Secretary to proceed to the Louisiana frontier to take command of the troops in that quarter, to enforce the thirty-third article of the treaty with Mexico and to prevent the Indians from invading Texas.* In view of the sanguinary manner in which the Mexican forces were carrying on the war against Texas, Gaines on March 29, 1836, suggested to Secretary Cass that it might be necessary not only to defend the frontiers against Mexico and their red allies, but also to anticipate movements on the part of the latter by crossing the frontier and meeting the savage marauders wherever found.† Gaines was thereupon instructed that, if the contending parties approached the United States frontiers and jeopardized the lives and property of our citizens, he might cross the boundary but should go no further than old Fort Nacogdoches.‡ In April of 1836, on reaching Natchitoches, Gaines learned that Santa Anna was repidly approaching the frontiers, that he planned to put to death all men found under arms, and that the Indians expected to join him in a war of extermination; and he immediately called on the governors of the neighboring States for troops.‖ The governor of Louisiana believed that this was beyond his authority, but the governors of Mississippi, Alabama and Tennessee made preparations to send their quotas. Before they were ready to

* See the letter in *Niles' Register*, vol. li., p. 336; Richardson, *Messages and Papers*, vol. iii., pp. 274–275; *Register of Debates*, vol. xiii., pt. i., p. 523.

† See the letter in *Niles' Register*, vol. li., p. 336; Richardson, *Messages and Papers*, vol. iii., pp. 275–276; *Register of Debates*, pt. i., p. 525.

* *Niles' Register*, vol. l., pp. 207–208.

† *Ibid*, p. 208.

‡ *Ibid.*

‖ *Ibid*, pp. 162, 209.

march, however, Gaines became convinced that the frontier was in no danger and recalled his requisition. He had hardly done this when he was informed that the Mexican army at Matamoras under Urrea had been reinforced, was rapidly advancing on Guadaloupe Victoria, that a number of the inhabitants had already been killed, and that the Mexicans were bent on exterminating the Texans. He therefore renewed his requisition for militia to serve six months, but Jackson disapproved of this action* and no troops were sent.

Meanwhile the Mexican minister, Gorostiza, had not only reproached the Government for its passive attitude, but had charged it with direct sins of commission. On May 14, 1836, he asked the Secretary of State how he came to speak of a "Texan Government,"† when he should have spoken only of a revolutionary *de facto* government.‡ Mexico's legal title to Texas was still unconditionally recognized by the United States. Gorostiza complained also that Jackson had authorized Gaines to pass the Texan border whenever he had reason to fear that the Indians would make an inroad into the territory of the United States. The last complaint was met by the ingenuous declaration that Gaines had been ordered not to go beyond Nacogdoches, as though it made any difference, as far as a violation of territory was concerned, whether Gaines went a hundred miles or only a few miles. On May 10 Forsyth had written Gorostiza that "perhaps there would be no necessity of the said advance of General Gaines"* but evidently the general became convinced of this "necessity" for, on June 28, he announced his intention of marching into Texas because some Caddo Indians had murdered two white men about 60 miles from the border of the United States, though neither he nor anyone else pretended that our border had been crossed.† Nevertheless, in their report of February 18, 1837, the Senate Committee on Foreign Relations justified the invasion on the ground that Gaines could not wait until the Indians had actually crossed the border.‡ Under Article XXXIII of the Treaty of April 5, 1831, both nations mutually obligated themselves "to restrain by force all hostilities and incursions on the part of Indian nations living within their respective boundaries."‖ But this did not state that the "fear" of incursion would warrant one nation in crossing the boundary of the other with an armed force, and Gorostiza was right in supposing that the

* In this connection see his letter to Governor Cannon, of Tennessee, in *Senate Doc.* 1, vol. i., p. 61, 24th Congress, 2d session; *Niles' Register*, vol. l., pp. 412–413.

† *Senate Doc.* 1, vol. i., p. 28, 24th Congress, 2d session.

‡ The correspondence is in *Niles' Register*, vol. l., p. 212 *et seq.*

* *Niles' Register*, p. 215.

† *Ibid.* p. 385.

‡ Benton, *Abridgment of Debates*, vol. xiii., pp. 195–196.

‖ *Statutes-at-Large*, vol. viii., p. 424.

United States would be angry if a Mexican general invaded her soil for the same purpose.* The United States, however, claimed this right, since Mexico with her army, engaged in putting down the Texan insurrection, was not at liberty to guard her frontiers. Mexico might have claimed, on the other hand, that she had the right to invade the United States, since the latter was or appeared to be unable to restrain her citizens from crossing the border in order to aid the Texans. But Jackson informed Gorostiza that it would be much "more reasonable" to assume that Gaines was convinced of the necessity of invading Texas to repel the Indians than that he had desired indirectly to aid the Texans.† However, when Gaines sent the troops to Natchitoches and Jackson refused to recall them, Gorostiza asked for his passports on October 15‡ and left the country.||

Meanwhile the news of warlike conditions in Texas had reached the southwestern portion of the United States and the excitement rose higher and higher. At various places meetings were held, support was pledged to the Texans, money was raised, and offers were made to serve as volunteers.§ Within a few weeks armed bands of volunteers were hurrying from Tennessee, Alabama, Mississippi, and Louisiana, soldiers even deserting Gaines' army to join the Texans.* Learning of the aid being sent to the Texans, the Mexican chargé at Washington called the attention of Forsyth to the matter. Early in November, therefore, Forsyth sent a circular note to the district-attorneys at Boston, New York, Philadelphia, Baltimore, Mobile, and St. Martinsville (Louisiana), directing them to watch all movements of a hostile nature and to prosecute all violators of the law and of treaties with foreign nations. Nevertheless the work of helping the Texans went on openly, and hundreds of volunteers poured into Texas.† But forces were at work even in Congress to attain this end. On May 23, 1836, Calhoun is reported to have said that

"He had made up his mind not only to recognize the independence of Texas, but for her admission into this Union; and if the Texans managed their affairs prudently, they would soon be called upon to decide that question. No man could suppose for a moment that that country could ever come again under the dominion of Mexico; and he was of the opinion that it was not for our interests that there should be an independent community between us and Mexico. There were powerful reasons why Texas should be a part of this Union. The southern states, owning a slave population, were deeply interested in preventing that country from having the power to annoy them; and the navigating and manufacturing interests of the north and east were equally interested in making it a part of this Union. He thought they would soon be called on to decide these questions; and when they did act

* *Senate Doc.* 1, vol. i., p. 48, 24th Congress, 2d session.

† *Ibid*, p. 46, 24th Congress, 2d session.

‡ *Niles' Register*, vol. li., pp. 197–198.

|| *Senate Doc.* 1, p. 100, 24th Congress, 2d session.

§ See the letter in Curtis, *Life of Webster*, vol. i., pp. 523–524.

* *Niles' Register*, vol. li., p. 21.

† McMaster, vol. vi., p. 26 *et seq.; The South in the Building of the Nation*, vol. iii., pp. 369–370.

on it, he was for acting on both together — for recognizing the independence of Texas and for admitting her into the Union." *

Accordingly a resolution was introduced proposing that an appropriation be made to maintain a minister in Texas, and the Senate Committee on Foreign Relations was directed to report as to the expediency of recognizing her independence. The committee reported on June 18, 1836, that just as soon as Texas gave evidence of her ability to perform the duties of an independent power, it would be expedient to recognize her independence.† On July 1 the Senate unanimously adopted a resolution to that effect,‡ and on July 4 the House adopted a similar resolution by a vote of 128 to 20.||

Jackson, however, was not quite prepared to go so far. During the summer of 1836 he sent Henry M. Morfit as a special agent to observe and report on conditions in Texas. Morfit believed that Texas would be able to maintain a stable, independent government, but as Mexico was threatening to invade Texas in the fall, he counselled delay in recognizing Texas until the outcome of this invasion was known.* Accordingly, in his annual message of December 5, 1836, Jackson urged caution, but recommended immediate retaliation if Mexico did not settle the claims of American citizens against her.† Still more judicial was the tone of his special message of December 21, 1836.‡ After noticing the fact that Congress had passed at the previous session resolutions favoring an acknowledgment of Texan independence and stating that Mexico intended a fresh invasion to recover her lost dominion, he said:

"Upon the issue of this threatened invasion the independence of Texas must be considered as suspended. * * * [Moreover] Texas was once claimed as part of our property and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. * * * It becomes us to beware of a too early movement. * * * Prudence seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new Government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the Government constituted by them."

Yet, even while speaking thus

* *Register of Debates*, vol. xii., pt. ii., p. 1531; Benton, *Abridgment*, vol. xii., p. 764.

† *Register of Debates*, vol. xii., pt. ii., pp. 1846–1848; Benton, *Abridgment*, vol. xii., p. 773; Carpenter, *The American Advance*, pp. 120–123; Schurz, *Life of Clay*, vol. ii., pp. 91–92.

‡ *Register of Debates*, vol. xii., pt. ii., pp. 1915–1928; Benton, *Abridgment*, vol. xii., pp. 778–779.

|| *Register of Debates*, vol. xii., pt. iv., p. 4622; Benton, *Abridgment*, vol. xiii., p. 43. See also Sumner, *Life of Jackson*, pp. 356–357; Roosevelt, *Life of Benton*, p. 179 *et seq.*; Schouler, *United States*, vol. iv., p. 257; *The South in the Building of the Nation*, vol. iii., p. 371; *Niles' Register*, vol. l., p. 351.

* *The South in the Building of the Nation*, vol. iii., p. 371. Extracts from the report are in *Register of Debates*, vol. xiii., pt. ii., app., pp. 83–97.

† Richardson, *Messages and Papers*, vol. iii., pp. 237–238; *Register of Debates*, vol. xiii., pt. ii., app., p. i.; Benton, *Abridgment*, vol. xiii., p. 46.

‡ Richardson, vol. iii., pp. 265–269; *Niles' Register*, vol. li., pp. 277–278; *Register of Debates*, vol. xiii., pt. ii., app., pp. 82–83.

softly, Jackson and his Cabinet were trying to crush Mexico between the spoliation claims and Santa Anna's influence.* On July 20, 1836, Secretary of State Forsyth sent Powhatan Ellis, American chargé in Mexico, a list of fifteen grievances against Mexico — depredations on our commerce, attacks on our consuls, and assaults on citizens †— and although Forsyth admitted that he could not support all the complaints by proof, he bade Ellis seek redress. If no satisfactory answer were received within three weeks, he was to notify Mexico that unless redress were afforded immediately, he would take his departure; and if this threat had no effect, he was to give Mexico a respite of two weeks before he asked for his passports.‡ Ellis implicitly followed Forsyth's instructions, but as Mexico was slow in answering, on November 4, 1836, he gave notice of the last two weeks of grace. Before this term expired the Mexican foreign secretary, Monasterio, answered that two of the claims had already been settled, that some had been referred to the courts, that satisfaction would be given for others, that in some cases a decision was not possible, and that some were unfounded and inadmissible.|| As Ellis did not consider this reply satisfactory, he demanded his passports in December of 1836, and returned to the United States,* a procedure which, Clay said, "was harsh, abrupt, and unnecessary." †

Jackson seemed to have forgotten his mild tone of a few weeks before and on February 6, 1837, sent a message to Congress expressing the conviction that the United States would be justified before the civilized world if she went to war with Mexico at once, for according to the documents submitted there were 46 grievances against Mexico instead of the 15 for which Ellis had sought redress.‡ Therefore in his message Jackson said that Mexico's actions would warrant a declaration of war, and recommended the authorization of reprisals.||

Evidently Jackson overlooked the clause of his own recent treaty with Mexico (treaty of 1831, Article XXXIV), wherein provision was made against reprisal or a declaration of war on either side before the offended nation had stated its claims, verified them, and waited a reasonable length of time after demands for satisfaction had been made.§ In their report on January 18, 1837, the Senate Committee on Foreign Relations took this view of the matter and was unani-

* Schouler, *United States*, vol. iv., p. 258.

† Von Holst, *Constitutional and Political History*, vol. ii., p. 596, note.

‡ *Ibid*, vol. ii., p. 592.

|| Jay, *Review of the Mexican War*, p. 37 *et seq.*

* See *Senate Ex. Doc.*, 24th Congress, 2d session, vol. ii., no. 160, and vol. iii., nos. 105, 139. See also Sumner, *Life of Jackson*, p. 358.

† Benton, *Abridgment*, vol. xiii., p. 198.

‡ Von Holst, *Constitutional and Political History*, vol. ii., pp. 594–595.

|| Richardson, *Messages and Papers*, vol. iii., p. 278.

§ *Statutes-at-Large*, vol. viii., p. 426; Schouler, *United States*, vol. iv., p. 259.

mous in the opinion that Article XXXIV required the sending of another demand to Mexico before resorting to hostile measures. They recommended that such a demand be made in a manner acceptable to the President and that, if negotiation failed, Congress should consider what further steps were necessary. To this the Senate unanimously agreed.* On February 24 the House Committee on Foreign Relations introduced two resolutions (which were adopted), that just cause for war existed and that Jackson should make one more demand on Mexico for redress of grievances in the most impressive form.† Jackson nominated and the Senate confirmed Ellis to carry the last friendly demand to Mexico; but instead of allowing Ellis to depart for his post, a messenger (Robert Greenhow) was sent "with a budget of grievances, good and bad, new and old, stuffed with wrongs as full as Falstaff's buck basket with foul linen, to be turned over under the nose of the Mexican secretary of state, with an allowance of one week to examine, search out, and answer concerning them all."‡

Meanwhile the Senate was considering the recognition of Texan independence. On January 11, 1837, Senator Walker introduced a resolution that, as Texas had established and maintained an independent government and was performing the functions pertaining to such, it was expedient and proper to acknowledge her independent political existence.* After many postponements this was agreed to on March 1, 1837, by a vote of 23 to 19, a motion to reconsider being lost the next day by a vote of 24 to 24.† In the House on February 28 a clause was inserted in the civil and diplomatic appropriation bill providing for the outfit and salary of a diplomatic representative to Texas whenever the President should think proper to send one.‡ On March 3 Jackson signed this bill and on the same day sent a message to Congress nominating Alcée La Branche, of Louisiana, to be chargé to the Republic of Texas.‖ The Mexican minister protested, but was informed that in such cases the United States regarded facts only; that Texas had a *de facto* government and appeared to be cap-

* *Register of Debates*, vol. xiii., pt. i., pp. 854–857; *Niles' Register*, vol. lii., pp. 29–30; McMaster, vol. vi., p. 380; MacDonald, *Jacksonian Democracy*, p. 217.

† *Register of Debates*, vol. xiii., pt. ii., pp. 1912–1915; Benton, *Abridgment*, vol. xiii., pp. 308–309.

‡ *Speeches of J. Q. Adams * * * from the 16th of June to the 7th of July, 1838*, pp. 127–128.

* *Register of Debates*, vol. xiii., pt. i., p. 360; Benton, *Abridgment*, vol. xiii., p. 99; McMaster, vol. vi., pp. 378–379.

† *Register of Debates*, vol. xiii., pt. i., pp. 1010–1013, 1019, and pt. ii., pp. 2194–2199; Benton, *Abridgment*, vol. xiii., p. 202; Schouler, *United States*, vol. iv., p. 200.

‡ *Statutes-at-Large*, vol. v., p. 170; *Register of Debates*, vol. xiii., pt. ii., p. 1880, 2060–2066; *The South in the Building of the Nation*, vol. iii., p. 371; Schouler, *United States*, vol. iv., p. 259; Von Holst, *Constitutional and Political History*, vol. ii., p. 587.

‖ Richardson, *Messages and Papers*, vol. iii., pp. 281–282; McMaster, vol. vi., p. 379.

able of maintaining it; and that the recognition of Texas by the United States must not be regarded as implying a lack of friendship for Mexico or a denial of her right to attempt the re-subjugation of the province if possible.* In this condition Jackson turned Texan affairs over to his successor.

Meanwhile Ohio and Michigan had almost come to blows over their boundary line, and the Toledo War was raging. In the Ordinance of 1787 it was provided that out of the vast tract of territory northwest of the Ohio not less than three nor more than five States should be made; that if more were formed, the line dividing the northern and southern tiers should be drawn due east and west through the southern extremity of Lake Michigan. Ohio was the first State to be carved out of this territory, and in the Enabling Act of 1802 Congress prescribed that a line should be drawn due north from the mouth of the Great Miami, that another should be traced from the southern extremity of Lake Michigan to Lake Erie, and that so much of it as lay east of its intersection with the due north line should form a part of the northern boundary of Ohio. When the Ohio constitution was framed a provision was incorporated that, should the southerly bend of Lake Michigan be so far south that a line drawn due east from it would not touch Lake Erie or intersect it east of the mouth of the Miami of the Lake, the boundary line, if Congress were willing, should be part of a line drawn directly from the southern extremity of Lake Michigan to the most northerly cape of Miami Bay. The matter was still unsettled in 1805, when Michigan was laid out in accordance with the Ordinance of 1787. A survey was ordered to be made, but the War of 1812 intervened and nothing was done before 1817. Monroe then directed William Harris to make the survey. Instead of tracing the line of the Ordinance, Harris traced that of the proviso in the Ohio constitution, and the line thenceforth became known as the Harris line. The two States then engaged in an acrimonious dispute. The Ohio legislature resolved that in approving the Ohio constitution Congress had accepted the provisional boundary, and that the Harris line was the proper one. The governor of Michigan sent a memorial to Congress declaring that the act of 1812 had ordered a line to be surveyed from five to seven miles farther north than the line Harris actually surveyed. Under the advice of a committee of the House, Monroe directed that the line of the act of 1812 be surveyed and re-marked on the ground; but Harris declined to do the work, and a Mr. Fulton re-marked the line, which was thereafter designated by his name.*

In December of 1833, during the

* *The South in the Building of the Nation*, vol. iii., p. 372.

* See *Senate Doc.* 6, 24th Congress, 1st session, vol. i.

first session of the Twenty-Third Congress, Michigan formally applied for admission, and Congress provided that a census of the inhabitants of Michigan east of the Mississippi should be taken. This census was taken in the autumn of 1834 and it was ascertained that there were more than 92,600 people in the Territory. In January of 1835 the Michigan council called a convention to meet in May for the purpose of framing the constitution and forming a State government. The governor was authorized to appoint a committee to negotiate with Indiana and Ohio as to the disputed boundary line. Early in February the Ohio governor, in a message to the legislature, declared that a territorial government could not settle the dispute and asked that a law be enacted making the Harris line the northern boundary of all the counties touching it. On learning of this, Michigan enacted a law to prevent the organization of foreign jurisdiction within her limits, forbidding any person to exercise official functions within any of the counties so organized, or any resident of the territory to accept offices from any other State or authority other than the government of the United States or the Territory of Michigan, under penalty of fine and imprisonment. A few days later Ohio attached the disputed territory to her counties of Wood, Harris and Monroe, organized the townships of Sylvania and Port Lawrence, and directed the governor to appoint three men to mark the Harris line, starting on April 1.* Commissioners were immediately appointed, the election of justices of the peace for the new townships was ordered, and the officials of the three counties were directed to extend their jurisdiction to the Harris line. The governor of Michigan instructed his general of militia to repel the encroachment of Ohio† and also appealed to Jackson. A compromise was then effected until the matter could be definitely settled by Congress at its next session. The governor of Ohio agreed that the Harris line should be run and re-marked and that the people living in the disputed territory should recognize the authority of Michigan or Ohio as they saw fit.

Meanwhile elections were held in the new townships under the law of Ohio, the officials so elected were commissioned, and the organization of the three counties completed to the Harris line. Hardly had the election passed when trouble began. Two men were kidnapped under the charge of interfering with a Michigan officer; a flag bearing the word "Ohio" was torn down at Toledo; an armed force was sent to Toledo to arrest those who had accepted offices under the laws of Ohio;‡ and an attempt was made to arrest the commissioners and the party then engaged in running the Harris line. The Ohio legislature

* *Niles' Register*, vol. xlviii., pp. 75–76.

† *Ibid*, xlix., p. 33.

‡ *Ibid*, vol. xlviii., p. 400.

then passed acts to carry into effect all laws regarding the boundary, to prevent the forcible abduction of citizens, and to maintain her authority. A new county was organized in the disputed district and, that this action might not be misunderstood, three commissioners were sent to Washington to make explanations to Jackson. Forsyth assured them that the President would at once urge the Michigan authorities to cease their violent acts and not to oppose the re-marking of the Harris line. But the Michigan authorities disregarded Jackson's wishes; and, as more arrests were made, he removed the acting governor and appointed Charles Shaler, of Pennsylvania.

Meanwhile the court of common pleas had been directed to assemble at Toledo in September, and when the day for the court's session drew near, Governor Lucas made ready to obey the law. He retained a lawyer to act as prosecuting attorney, directed Colonel Vanfleet to call out his regiment to serve as a posse for the sheriff, and sent the adjutant and major-generals of the militia to Toledo. The judges opened court there, but, after making a minute of the proceedings, learned that the Michigan troops were near, and thereupon mounted their horses and rode away. The law had thus been executed, court had been held and jurisdiction had been exercised over the disputed territory. Thus Ohio had triumphed, but she exercised no further authority over the district, and for some time Michigan held possession. This ended the Toledo War.*

At a convention which sat from May 11 to June 29, 1835, under the authority of the Territorial council, a constitution had been framed† and before Congress assembled a governor, two Senators, and a Representative had been elected and the way prepared for an application for membership into the Union, with the Fulton line as the southern boundary of the State. When a copy of the constitution and a memorial requesting admission were transmitted to Congress on December 10, 1835, the Senators and Representatives requested permission to take their seats in the legislative body, and on December 21 a bill to fix the northern boundary of Ohio was introduced.‡ After a long debate,‖ the memorial was sent to a select committee, which on March 1 reported a bill definitely fixing the northern boundary of Ohio and imposing terms for the admission of Michigan.§ In place of the Fulton line designated as the boundary in

* Full accounts of this struggle will be found in the *Southern and Western Boundaries of Michigan*, by Annah N. Soulé, Michigan Political Science Association, vol. ii., no. 2; W. V. Way, *The Facts and Historical Events of the Toledo War of 1835*. See also McMaster, vol. vi., pp. 243–249.

† For text see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 1930–1944; *Niles' Register*, vol. xlviii., pp. 345–350.

‡ *Register of Debates*, vol. xii., pt. i., p. 26.

‖ For which see *Register of Debates*, vol. xii., pt. i., pp. 6–11, 14–25, 36–41, 282–290. For Calhoun's attitude see Van Holst, *Life of Calhoun*, pp. 157–164.

§ *Register of Debates*, vol. xii., pt. i., p. 663.

the Michigan constitution, the bill substituted the Harris line; but, in compensation for the loss of territory, the bill added to Michigan about 900 square miles in the upper peninsula, of which Michigan in her constitution claimed only a small part. As amended and passed by the Senate, the bill required that assent to all these changes be given by a convention of delegates chosen by the people.* In this shape the bill was passed on April 2 and was sent to the House, where, chiefly because of the boundary question, still greater opposition was encountered.† Notwithstanding the objections, the House passed the bill on June 13, and on the same day passed another to admit Arkansas, both being approved by the President on June 15, and 23, 1836.‡

The legislature of Michigan thereupon summoned a convention and on September 27, 1838, 49 delegates met at Ann Arbor. The minority were prepared to accept the situation and to defer the settlement of the boundary question until Michigan had become a State, when the matter could be laid before the Supreme Court. But the majority held that Michigan *was* a State, that Congress could not change its boundary without its consent, and that under the State constitution the legislature had no authority to call a convention. Hence the terms on which admission depended were rejected.* But at another convention the terms offered by Congress were accepted and the fact was made known to the President. Jackson might then have declared Michigan a State, for he was so empowered by the act, but instead, on December 27, 1836, he referred the whole matter to Congress, then in session.†

In the Senate the subject was referred to the Committee on the Judiciary, from which a report came on December 29 recommending the admission of the State into the Union.‡ After several attempts to amend the bill it was passed on January 5, 1837, by a vote of 25 to 10.‖ In the House the message of December 27 with the accompanying documents was sent to the Committee on the Judiciary,§ but on January 7, before a report had been made, the Senate bill was sent down for concurrence.¶ This was debated for a few days and was finally

* For text see *Niles' Register*, vol. l., p. 94. For the debate see *Register of Debates*, vol. xii., pt. i., pp. 1006–1028, 1032–1052; Benton, *Abridgment*, vol. xii., p. 749.

† For the debate in the House see *Register of Debates*, vol. xii., pt. ii., pp. 2077–2153, 2145–2160, pt. iii., pp. 2680, 3317, and pt. iv., pp. 4214–4281, 4289–4295, 4300–4313.

‡ For details see Cooley, *Michigan*, chap. xi. For text of Michigan Act see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 1926–1929, and for Arkansas Act, vol. i., pp. 266–267; *Register of Debates*, vol. xii., pt. iv., pp. xviii.–xix., xxi.–xxiii.

* *Niles' Register*, vol. li., p. 101.

† *Register of Debates*, vol. xiii., pt. i., p. 128; Benton, *Abridgement*, vol. xiii., p. 65.

‡ *Register of Debates*, vol. xiii., pt. i., p. 167; Benton, *Abridgment*, vol. xiii., p. 69.

‖ *Register of Debates*, vol. xiii., pt. i., pp. 204–325; Benton, *Abridgment*, vol. xiii., pp. 72–92.

§ *Register of Debates*, vol. xiii., pt. i., pp. 1164–1165; Benton, *Abridgment*, vol. xiii., p. 236.

¶ *Register of Debates*, vol. xiii., pt. i., p. 1312.

passed on January 26, 1837, by a vote of 132 to 43.* On the same day it was signed by the President.† Thus Michigan was admitted.

On the subject of removing the Indians beyond the Mississippi, Jackson, in his annual message of December 7, 1835,‡ stated that an extensive region in the West had been set apart for them, divided into districts, and that to each tribe a tract had been allotted exceeding in extent that relinquished in the East. Ample arrangements had been made to support schools and churches. Dwelling houses for the chiefs had been erected; mechanical arts had been introduced; blacksmiths, gunsmiths, wheelwrights, etc., had been set to work among them; and plows and other farming utensils, domestic animals, looms, spinning wheels, etc., had been presented to them. Into the Indian country whites could not go to settle, nor could political communities be formed except those established by the Indians themselves or by the United States for them and with their consent.

But while the members of Congress were listening to these assurances two Indian wars broke out. Among the tribes that then lived in Illinois were the Pottawattamies, who dwelt about the head waters of Lake Michigan, and the Sacs and Foxes, who dwelt between the Illinois and the Mississippi. In 1804 Harrison had made a treaty with the Sacs and Foxes whereby the latter ceded their territory between the Illinois, the Wisconsin and the Mississippi rivers, but stipulated that they should have the privilege of hunting and living on this territory until the land was sold by the United States.* Before that time arrived, however, squatters invaded the territory, sought to expel the Indians, and appeared desirous of securing possession of the ancient Indian town at the mouth of the Rock River to which the Sacs came every year for the purpose of growing corn. The Rock River Sacs sided with the British during the War of 1812, and those who refused to join the British were compelled to seek refuge in the Missouri valley.† On September 13, 1815, the latter section of the tribe entered into the treaty of Portage des Sioux, binding themselves to stand by the treaty of 1804 and never to unite with the Rock River Sacs.‡ The latter were then summoned to conclude a treaty of peace, but refused, and continued their depredations for some time until, on May 13, 1816, a treaty was concluded with them at St. Louis by which they were bound to stand by the treaty of 1804.‖ After the war emigrants poured into

* *Ibid*, pp. 1414–1416, 1434–1451, 1479–1500.

† For text see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 1929–1930; *Register*, pt. ii., app., p. 5.

‡ See Richardson, *Messages and Papers*, vol. iii., pp. 147–177; *Register of Debates*, vol. xii., pt. iv., app., pp. 1–12; Benton, *Abridgment*, vol. xii., pp. 687–700.

* See F. E. Stevens, *The Black Hawk War*, chaps. iii.–iv. (1903).

† *Ibid*, chaps. vi.–viii.

‡ *Ibid*, pp. 60–61.

‖ *Ibid*, pp. 62–65.

the region; Indiana and Illinois entered the Union as States; the country of the Rock River Sacs was completely surrounded by settlements; and during the autumn of 1830, while the Indians were off on a hunting trip, the village at the mouth of the Rock River was occupied by the white settlers, who expelled the old men and women. Upon their return in 1831, finding the village in the hands of the whites, the Sacs vowed vengeance and under the leadership of Black Hawk attacked the village, destroyed houses and corn, drove off the cattle, and threatened the settlers with extermination if they remained.*

On May 26, 1831, Governor Reynolds of Illinois called out the militia, requested aid of General William Clark, Superintendent of Indian Affairs at St. Louis, and of General E. P. Gaines, commander of the western division of the army.† Ten companies of regulars were soon on their way to Rock Island under command of Gaines. On reaching the village some of the Indians were persuaded to cross the Mississippi, but the others refused to go and presented such a bold front that Gaines decided to await the arrival of the militia before attacking. Early in July the militia reached the mouth of the Rock River and the march toward the Indian village was begun, but when the forces arrived at the Indian town it was found deserted, for during the night the whole band had crossed the Mississippi. Having burned the town, the troops started homeward.* On June 30 Black Hawk and other chiefs made a treaty with Gaines stipulating that they should never cross the Mississippi without express permission from the President or the governor of Illinois.† But in the spring of 1832 Black Hawk and his band persuaded some of the Pottawattamies and the Winnebagoes to join him in an attack on the frontiers. On April 16 the militia was again called out,‡ and on May 10, while awaiting the arrival of the regulars, burned the Prophet's Town in the Rock River country.‖ Highly elated, the troops pushed farther into the interior, and on May 14 fell into an ambuscade at Old Man's Creek and were driven back in confusion.§ The Indians in turn took the offensive, massacred men, women and children wherever found, and scoured the whole country.¶ Their success was too short-lived, however, for in June the United States troops arrived and Black Hawk was beaten

* Stevens, *The Black Hawk War*, p. 81 *et seq.*

† *Ibid*, pp. 85–91; *Niles' Register*, vol. xl., p. 335.

* Stevens, *Black Hawk War*, pp. 92–95.

† *Ibid*, pp. 96–98; *Niles' Register*, vol. xl., pp. 408–410, 430; Nicolay and Hay, *Life of Lincoln*, vol. i., pp. 87–88.

‡ Abraham Lincoln was one of the first to volunteer. See Nicolay and Hay, p. 89. See also Stevens, app., pp. 277–289. Among others who served were Zachary Taylor, Winfield Scott, Jefferson Davis, Albert Sidney Johnston, and Robert Anderson, the defender of Fort Sumter.

‖ Stevens, pp. 116–127.

§ *Ibid*, chap. xix.

¶ Nicolay and Hay, pp. 91–93; Stevens, p. 146 *et seq.*

in a pitched battle at a place called Kellogg's Grove (sometimes called Burr Oak Grove).* Black Hawk then withdrew his warriors into the swamps, from which numerous murderous incursions were made against the most northwestern settlements. General Scott was then ordered to take eleven companies of infantry and nine companies of artillery to Chicago for operations against the Indians, but meanwhile the army in the field had penetrated the lurking places of the Indians and on July 21 signally defeated them near the Wisconsin River,† then followed them up, and on August 2 once more disastrously routed them near the mouth of the Bad Axe on the left bank of the Mississippi.‡ On August 4 Black Hawk and his small band of survivors surrendered, and, with his son and a few chiefs, was sent to Washington; but after a short confinement in Fortress Monroe, he was released and returned to his people in 1833.‖ Meanwhile, on September 15 and 21, treaties were concluded with the Winnebagoes and with the Sacs and Foxes, by which they ceded the remainder of their territory to the Sacs and Foxes upon the payment of $10,000 annually for 27 years, and $20,000 for 30 years.§ Thus peace was again restored in the Northwest.¶

The second war with the Indians was that with the Seminoles of Florida, and before it had been terminated several years had passed and millions of dollars had been spent. The presence of these Indians had been a source of great annoyance to the Georgia planters, because runaway slaves found a safe haven among the Indians and because they robbed the nearby plantations of horses, hogs, and cattle almost at will. In September of 1823, after the delivery of Florida to the United States by Spain, a treaty was negotiated at Camp Moultrie with the Seminoles by which the latter pledged themselves to use their utmost endeavor to seize and deliver runaway slaves and fugitives from justice.* But in this respect

* Stevens, chap. xxv.

† *Ibid*, chap. xxxi.

‡ *Ibid*, chap. xxxii.

‖ *Ibid*, chaps. xxxv., xxxviii.

§ *Ibid*, pp. 250–253.

¶ On the Black Hawk War see John A. Wakefield, *History of the War between the United States and the Sac and Fox Nations in 1828, 1831 and 1832* (Jacksonville, Ill., 1834); I. H. Elliott, *Record of the Illinois Soldiers in the Blackhawk War and the Mexican War* (Springfield, Ill., 1882); Dawson, *Battles of the United States*, vol. ii., p. 426; Benjamin Drake, *Life of Blackhawk, with Sketches of the Late Blackhawk War* (1838), and *Life of Ma-ka-tai-me she-kai-kiak or Black Hawk, with an acocunt of the Cause and General History of the Late War* (1833); E. D. Mansfield, *Life of General Scott*, pp. 197–219; Scott's *Memoirs*, chap. xviii.; William P. Johnston, *Life of General A. S. Johnston*, chap. iii.; articles in the *Historical Magazine*, vol. xxii., p. 352; *Magazine of Western History* (November, 1886); *Magazine of American History* (May, 1886). See also *Michigan Pioneer Collections*, vol. i., p. 48, and vol. v., p. 152; *Wisconsin Historical Society Collections*, vol. ii., pp. 326, 414; Albach, *Annals of the West*, p. 959; Ford, *History of Illinois*, 1818–1847 (Chicago, 1854); Snelling, *Life of Black Hawk* (1830); Patterson, *Life of Black Hawk;* R. G. Thwaites, *Story of the Black Hawk War*, in *Papers of the Wisconsin Historical Society*, vol. xii.

* Smith, *Life and Times of Lewis Cass*, p. 296.

the treaty was a dead letter, for so many of the fugitives had intermarried in the Seminole tribe that the Seminoles were not disposed to surrender them. After the Government adopted its policy of removing the Indians to the West, a treaty was concluded with the Seminoles at Payne's Landing on May 9, 1832, whereby the latter agreed to move.* Some of the Indians were first to inspect the land allotted to the tribe. In case it should prove satisfactory and the Creeks be willing to unite with the Seminoles, the Indians were to begin migration early in 1833 and to see that the entire tribe was lodged in its new habitation before 1835. On inspection, the land allotted was found to be satisfactory and on March 28, 1833, a supplementary treaty was entered into at Fort Gibson whereby the Indians agreed to move as soon as the Government made arrangements satisfactory to them.† At the ensuing session of the Senate the treaty was ratified and on April 12, 1834, was proclaimed.‡ In the autumn of 1834 General Wiley Thompson, appointed special agent, immediately notified them that the agency at Fort King would be closed on December 31, that the Indian lands would be surveyed and sold, that the laws of the country would then be extended over their territory, and that the sooner they left the better.

* *Statutes-at-Large*, vol. vii., pp. 368–370.

† *Ibid*, vol. vii., pp. 423–424.

‡ Von Holst, *Constitutional and Political History*, vol. ii., p. 296.

The fugitive slaves, however, used all their influence to prevent the execution of the treaty, with the result that the Seminole chiefs refused to move, asserting that, by the terms of the treaty of Fort Moultrie, they were to remain in Florida 20 years. Many of the Indians were willing to go, but the majority, under the leadership of Osceola, were determined to remain. On learning of their opposition, Cass instructed Thompson that the Indians must go, even if it became necessary to use compulsion. Cass sent also a long talk to the Indians from the President, which was read to them on December 28, 1834, without any apparent effect, the Indians still refusing to go. General Clinch suggested that it would be better to allow them to remain in their present habitation for another year, provided they agreed to go peaceably on March 1, 1836.* To this Jackson consented, provided a written agreement to such effect could be secured, but if not, then force should be used to expel them. The Seminoles finally arranged with Cass and Thompson to begin the migration to the West during January of 1836. The chiefs probably had not the least intention of fulfilling the agreement, but so well did they conceal their intentions from Cass and Thompson that the preparations for removal were far advanced, when, about the middle of November, five chiefs with 500 warriors fled to Fort

* Smith, *Life and Times of Lewis Cass*, pp. 297, 305.

Brooke at Tampa Bay and many more departed for unknown climes.

The immediate cause of the outbreak was a wrong done to Osceola by Thompson. Osceola's wife was the daughter of a negress who had escaped from slavery and found asylum among the Seminoles. Under the existing slave code the children of a slave mother continued to be slaves, even though the father was a free man. Osceola's wife, therefore, was regarded as a slave by descent, and, being considered such, was seized while on a friendly visit to Fort King. Osceola denounced this action, and as a result was put in irons, though released in a few days.* Determined to seek revenge, Osceola pretended to favor the plan of removal to the West, signed the agreement, and when released seemed well disposed toward the Government, aiding the officers in capturing fugitive criminals. This well served as a cloak for his designs, and early in November he put himself at the head of the disaffected and began a war of extermination. Aware of their fate if captured, the Seminoles sought refuge in the swamps and everglades, wherein they sallied forth in small bodies to commit their depredations on the white settlers. Late in December of 1835 Osceola was informed that, on the 25th of the month, Major Dade, in command of a body of troops, would leave Fort Brooke and that he was to be attacked on the night of the 27th at the Great Wahoo Swamp. Osceola then prepared an ambush for Thompson near Fort King. On the 28th Thompson dined at a house near the fort, and after dinner, while strolling about, fell dead with 14 bullets in his body.* After killing several others and setting the house on fire, Osceola and his band started for Wahoo Swamp, intending to engage in the fight against Major Dade, but in this he was disappointed. The latter officer had arrived at his destination on the evening of the 27th, and the next morning again started forward. He had not gone far from camp when he was attacked and with all save three of his men was massacred.† Thus, before Osceola joined the Indian army, Dade's force had been annihilated.

Then, learning that General Clinch with 200 regulars and General B. K. Call with 500 Florida volunteers were advancing from Fort Drane toward the Withlacoochee River, Osceola with his warriors immediately set forth and on the 30th met and attacked Call, while the volunteers and regulars were separated on opposite sides of the river. The regulars stood their ground, but the volunteers fled at the first fire, Clinch barely escaping defeat. The whole country was now ravaged by bands of Indians and

* Von Holst, *Constitutional and Political History*, vol. ii., p. 298.

* Benton, *Thirty Years' View*, vol. ii., p. 75. A different version is in *Niles' Register*, vol. xlix., pp. 368, 395.

† *Niles' Register*, vol. xlix., p. 367, and vol. lii., pp. 254–255.

negroes. Requests for troops were sent to the governors of South Carolina, Georgia, and Alabama, and these, with all the regulars at Charleston and Savannah, were rushed to Florida. General Scott was dispatched to the seat of war and General Gaines, then at Pensacola, hastened to New Orleans, raised 1,000 volunteers, marched to Fort King and thence to the Withlacoochee, and ordered Clinch to join him for a combined attack on the Indians. Before Clinch joined Gaines, however, the latter was attacked by Osceola, driven behind a breastwork of logs, and there besieged until relieved by Clinch.* On the arrival of the latter, the Indians retreated and the troops returned to Fort Brooke, whence Clinch went to Fort Drane and Gaines to New Orleans.† Deeming that Scott's conduct of the war was not sufficiently energetic, he was recalled in July and General Thomas S. Jesup was sent to supersede him,‡ but between the departure of Scott and the arrival of Jesup, General Call was in command. On June 9 the Indians attacked the stockade at Micanopy,* compelled Clinch to abandon Fort Drane,† and took possession; but shortly afterward (on August 21, 1836) they were driven out by Major B. K. Pierce.‡ Having received reinforcements of 1,200 Tennessee militia, some Florida troops, and several hundred Creek warriors, General Call marched to the Withlacoochee River in September; but finding the river too deep to ford, he returned to Fort Drane without firing a gun. In November, however, taking Major Pierce, his regulars (whom he found at Fort Drane), and about 1,000 men, General Call set out for the Wahoo Swamp. Pushing into this, the Indians were attacked and finally driven across the river, but the troops were unable to follow. The army then retired to Volusia where, in December, General Jesup assumed command.

* *Niles' Register*, vol. l., pp. 36–40, 53–54.

† *Ibid*, pp. 83–85, 259–261.

‡ *Ibid*, pp. 364, 400–401. For his defence before the subsequent court-martial see *ibid*, vol. li., pp. 361–368, 371–376.

* See his report in *ibid*, vol. l., pp. 399–400.

† *Ibid*, pp. 414–415.

‡ *Ibid*, vol. li., p. 19.

CHAPTER X.

1835–1837.

THE SURPLUS AND THE DEPOSITS.

Jackson's statement of the financial situation — Propositions to expend the surplus — Debates on Benton's expunging resolutions — Taney's appointment to the Chief Justiceship — The debate on Clay's distribution bill — The act "regulating the deposits of public money" — The specie circular — Uses of the deposits.

On December 7, 1835, the Twenty-Fourth Congress commenced its first session. James K. Polk was elected Speaker of the House and immediately Jackson's annual message was read.* He had many matters to lay before Congress, including the dispute with Great Britain over the northeast boundary of Maine, the controversy with France, the removal of the Indians beyond the Mississippi, the growing surplus, the extraordinary receipts from the sales of public lands, etc. A very flattering account was given of the National finances and the general prosperity of the country. Jackson said that since his last annual communication all that remained of the public debt had been redeemed and all the other pecuniary engagements of the Government fulfilled, and that at the close of the present year there would still be a balance in the Treasury of about $19,000,000. From the sales of land there had been received during the current year the unexpected sum of $11,000,000, and it was suggested that the great surplus in the Treasury might be expended in navy yards or in new National works rather than to be distributed among the States.

On examining the Treasury receipts, it was seen that the tariffs and the land sales were the sources of the surplus,* but to reduce the tariff was impossible, for it was feared that the attempt would endanger the stability of the Union. Therefore land sales alone could be dealt with, and to this Congress turned its attention. Grundy proposed that the surplus be used to facilitate transportation of mails by buying from the railroads for a sum fixed by law free transportation of the mails and also of troops, seamen, and marines and all property of the Government save timber and stone. Silas Wright desired to use the surplus to buy State stocks and proposed that the Treasurer should so invest the surplus whenever there were seven millions or more in the Treasury. Benton thought the surplus should be used for coast defence. On January 12, 1836, he introduced resolutions proposing that the surplus revenues

* For the entire message see Richardson, *Messages and Papers*, vol. iii., pp. 147–177; *Register of Debates*, vol. xii., pt. iv., app., pp. 1–12; Benton, *Abridgment*, vol. xii., pp. 687–700.

* For the annual Treasury report see *Register of Debates*, vol. xii., pt. iv., app., pp. 23–39.

and the dividends received from the Bank of the United States should be set apart and used for the general defences and permanent security of the country.* On January 25 Grundy moved that the resolution be amended so as to read: "So much of the surplus revenue and the dividends of stock receivable from the Bank of the United States as may be necessary for the purpose ought to be set apart."† But Clayton went still further, and on February 8 moved that the word surplus be struck out.‡ Both amendments were adopted by the Senate and, thus shorn of all allusion to the surplus, the resolutions were unanimously passed on February 18.‖

Meanwhile the effort to expunge the censure of Jackson from the journal of the Senate had become a party duty. Justice required that it should be done while he still held office, and several futile attempts were made to do so. On January 28, 1835, during the second session of the Twenty-Third Congress, Senator King, of Alabama, presented resolutions to this effect from the Alabama legislature and Clay moved to lay them on the table, but Benton arose and reminded the Senate that he had long ago indicated his purpose of introducing an expunging resolution, and, on February 18, he did so. It was ordered to be printed, but nothing more was heard of it until March 3, when Senator Mangum, of North Carolina, sent to the clerk a set of resolutions dispatched to him by the State legislature. Benton's resolutions were then taken up and a motion passed to strike out the words "ordered to be expunged from the Journal of the Senate." But the discussion again proved useless, for the resolution was tabled.† The subject then became an issue in State politics and candidates for office were questioned as to their attitude toward expunging. During 1835 New Jersey and New Hampshire instructed their Senators to vote for expunging, and early in 1836 similar instructions were laid before the Senate from Illinois, Virginia, New York, Ohio, and Missouri.‡ In 1835 Virginia had declared that the removal of the deposits by the President should be condemned as a dangerous and alarming assumption of power, but the opinions of the legislators gradually changed and in February of 1836 the general assembly instructed Senators John Tyler and Leigh to vote for the expunging resolution, at the same time declaring that it was the duty of the representatives of the State either to obey or resign.

* *Register of Debates*, vol. xii., pt. l., p. 106, and for speech, pt. iv., pp. 4625–4633. See also Roosevelt, *Life of Benton*, pp. 144–145.

† *Register of Debates*, vol. xii., pt. l., p. 250.

‡ *Ibid*, p. 392 *et seq.*

‖ *Ibid*, pp. 442–464, 534–577.

* *Ibid*, vol. x., pt. i., pp. 253–268, 510; Benton. *Abridgment*, vol. xii., pp. 578, 616.

† *Register of Debates*, vol. xi., pt. i., pp. 631–689, 722–728; Benton, *Abridgment*, vol. xii., pp. 627–638; *Niles' Register*, vol. xlviii., p. 5; Curtis, *Life of Webster*, vol. l., pp. 519–520.

‡ These will be found in *Niles' Register*, vol. l., p. 128 and *passim*.

Tyler immediately resigned and Rives was elected in his stead, but Leigh refused to do so until he had "signalized" his resistance to what he considered unconstitutional instructions, though he agreed to resign at the commencement of the next session of the present assembly.* Maryland and Delaware declared against mutilating the journal.

But so many States had demanded that the vote of censure be expunged, that on March 16, 1836, Benton introduced resolutions asserting that the vote of censure was illegal and unconstitutional, because it adjudged Jackson liable to impeachment as a violator of his oath of office, and yet allowed him no trial; that the censure was erroneous and unfounded in point of fact; that, as the Senate was the tribunal before whom the President should be tried when accused by the House, the adoption of such a resolution before articles of impeachment had been drawn up violated the Constitution and was a breach of the prerogatives of the House, a suppression of justice, and a pre-judgment of the question; that the defence and protest of the President against the resolution of censure had been rejected and voted a breach of privilege; and that the resolution of censure ought never to have been adopted or debated by the Senate or entered upon its journal. Benton therefore suggested that the Secretary of the Senate should draw black lines around the resolution and write across the journal the words: "Expunged by the order of the Senate this —— day of —— in the year of our Lord, 1836."* A long debate ensued, but the Senate was not yet disposed to erase the censure, and late in the session Benton's resolutions were laid on the table and remained there when Congress rose.†

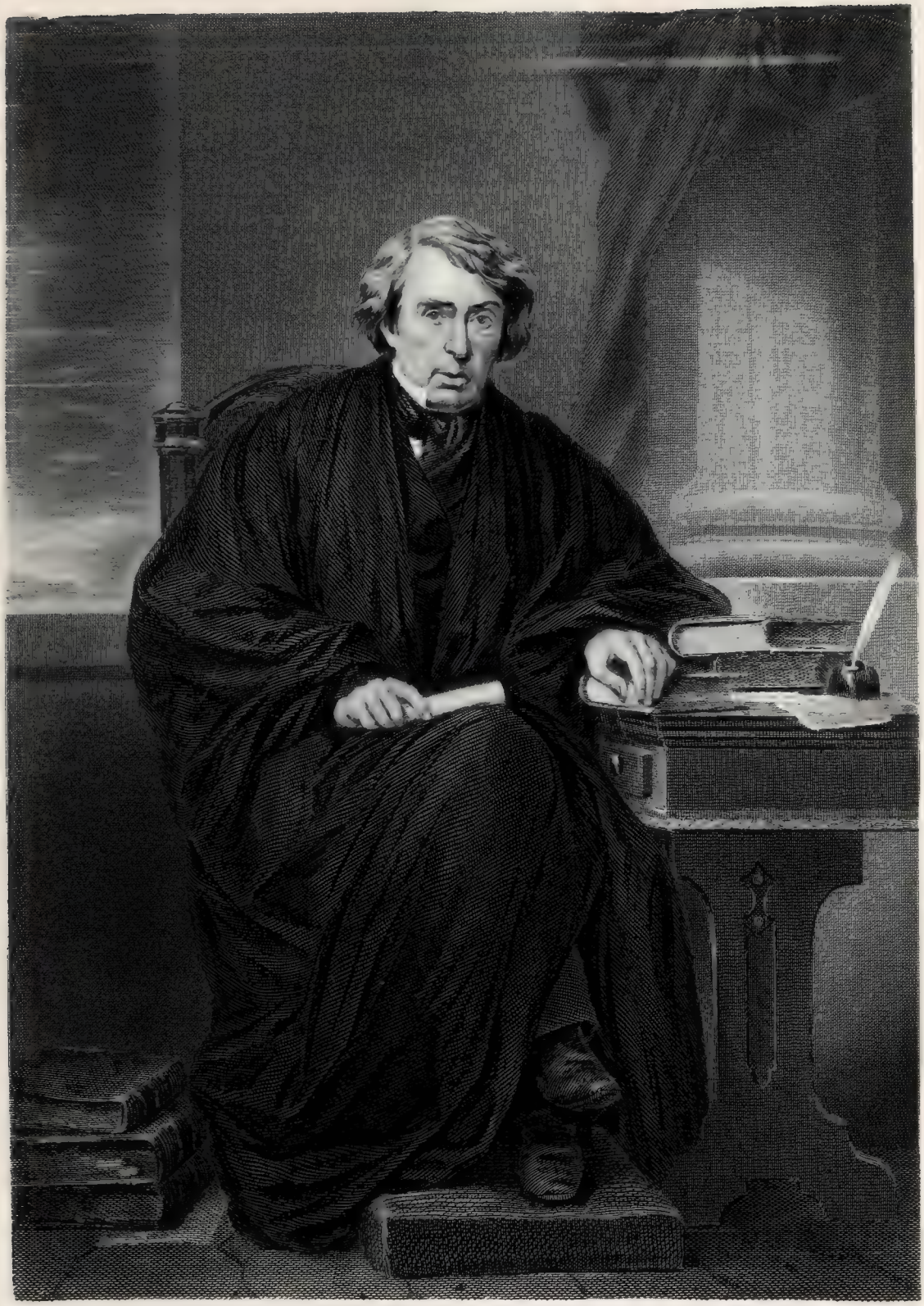
Though Jackson was not to be gratified during this session by the expunging of the vote of censure, he achieved a personal triumph when Andrew Stevenson was appointed minister to the Court of St. James, and Roger B. Taney to the Chief Justiceship of the Supreme Court. In June of 1834 Stevenson's nomination had been rejected and since then no other name had been presented. Thus our country had not been represented by a minister at London for several years. The Administration party in the Senate, however, had now become much stronger and upon the re-nomination of Stevenson he was confirmed, despite the adverse report from the Committee on Foreign Relations.‡ On July 6, 1835, Chief Justice John Marshall had passed away

* *Niles' Register*, vol. l., pp. 11–12, 25–32, 47–48; Sumner, *Life of Jackson*, pp. 312–313; McMaster, vol. vi., p. 313.

* *Register of Debates*, vol. xii., pt. i., pp. 877–879; Benton, *Abridgment*, vol. xii., pp. 743–744; *Niles' Register*, vol. l., pp. 60–61.

† For the debate see *Register of Debates*, vol. xii., pt. i., pp. 880–958, 982–999, 1058–1090, pt. ii., pp. 1593–1598, 1907; Benton, *Abridgment*, vol xii., pp. 744–749.

‡ For which see *Niles' Register*, vol. l., pp. 87–88; *Register of Debates*, vol. xiii., pt. ii., pp. 262–264.



R. B. Taney

at Philadelphia, after a service of 34 years.* It was a hard matter to find a worthy successor, but on December 28, 1835, Jackson nominated Roger B. Taney. Twice previously Taney had been nominated to important positions, and each time the Senate had refused its assent to such nominations. This time, however, the Administration party was in the majority in the Senate, and on March 15, 1836, by a strict party vote, Taney was confirmed.†

Meanwhile, on December 29, 1835, Clay had introduced a land bill. He proposed to distribute the net proceeds of the sales of public lands sold during the years 1833 to 1837 among the 24 States. Ten per cent. of the money paid for land sold in the seven new States was to be set apart for them, in addition to the five per cent. already guaranteed them under their compact with the United States. The residue, whether from sales in States or Territories, was to be distributed among all the States on the basis of their Federal population. Liberal grants were to be made to several new States so that they would be on an equality with others to which the bounty of Congress had been extended.‡ This bill went to the Committee on Public Lands and was duly reported.* Those who opposed the bill contended that it provided for the distribution of the revenue of the United States and not of the net proceeds of the public land sales. According to Clay, the net amount of sales during the years 1833 to 1835 was $21,000,000. But the opposition thought that by the most liberal calculation the gross receipts from the sales of public lands from the passage of the act of 1796 to the end of the fiscal year 1835 were but $61,580,707.17. The total cost of lands, including the principal and interest for the purchase of Louisiana and Florida, the moneys paid for the Cumberland Road, the Yazoo claim of Georgia and under Indian treaties, and the expenses of the land office, surveying, etc., for the same period, was a little over $61,129,182.76. Therefore the true net proceeds were but $351,524.41. In the gross receipts was included also $17,991,873.13 received for land sales between 1833 and 1835. Hence prior to 1833 there was no surplus, but a large deficit.† Not until the close of 1835 did net proceeds appear. To take money from the Treasury which had come in from land sales prior to that time was therefore to take money which had been derived

* *Niles' Register*, vol. xlviii., pp. 321, 339 *et seq.*, 369.

† Schouler, *United States*, vol. iv., p. 236; McMaster, vol. vi., pp. 316–317.

‡ *Register of Debates*, vol. xii., pt. i., pp. 48–52. The text of the report and the report of the Senate committee are in *Niles' Register*, vol. l., pp. 12–16.

* For the debate see *Register of Debates*, vol. xii., pt. i., pp. 811–833, 848–877, 1028–1032, 1172–1177, 1187–1198, 1212–1249, 1254, 1279, pt. ii., pp. 1281, 1313, 1318–1374, and pt. iv., pp. 4641–4653.

† Speech of Wright, April 20, in *Register of Debates*, vol. xii., pt. i., pp. 1214–1246.

from other sources than lands. Hence it would be a distribution not of net proceeds, but of revenue.*

Clay argued that the bill was constitutional and a proper measure to relieve the country from the evils of a surplus revenue, and as the majority was with him, the bill passed on May 4 by a vote of 25 to 20† and was sent to the House, but the latter body tabled it to make way for a more popular scheme, which, under the title "An act to Regulate the Deposits of Public Money,"‡ had also come down from the Senate.

In his message of December 7, 1835, Jackson had announced the extinguishment of the National debt, and, acting on the recommendation contained in his annual message of December 2, 1834 (concerning suitable regulation of the public deposits), Calhoun introduced in the Senate a bill on December 29, providing for the deposit and safe-keeping of such a sum of public money as was to be retained by the Treasury and the disposal of the excess above that sum.‖ Three suggestions to amend this bill were made — one by Silas Wright that whenever there was more than $7,000,000 in the Treasury the excess should be invested in stocks of the States;* another by Calhoun that for a certain period and under certain conditions the unexpended portion on the last day of each year should be deposited with the States in the ratio of population, this sum to bear no interest and to be retained until needed;† and the third by Webster that all the money in the Treasury on January 1, 1837, less a certain sum, should be divided among the States in proportion to population (one-half on April 1, one-fourth on July 1, and the other quarter on October 1), this money to be retained by the States and repaid when needed by the Government.‡ The bill and amendments were sent to a select committee, which on June 3 reported a substitute bill. On June 17, after amendment, this bill passed the Senate by a vote of 40 to 6 and was sent to the House.‖ It provided that all money in the Treasury on January 1, 1837, less $5,000,000, should be deposited with the several States in proportion to their representation in Congress; that each State should pledge its faith for the safe-keeping and return of the share it received, and that on the first days of January, April, July, and October, 1837, one-fourth of the deposit should be made with the States that ap-

* For arguments against the bill see McMaster, vol. vi., pp. 319–321.

† *Register of Debates*, vol. xii., pt. ii., p. 1396; Benton, *Abridgment*, vol. xii., p. 261.

‡ *Register of Debates*, vol. xii., pt. iii., pp. 3580–3593, 3617–3630, 3679–3686, 3820–3862; Clay, *Life of Clay*, pp. 233–234; Roosevelt, *Life of Benton*, pp. 149–150; Peck, *The Jacksonian Epoch*, pp. 261–264.

‖ *Register of Debates*, p. 52.

* *Register of Debates*, pt. ii., p. 1383.

† *Ibid*, p. 1577.

‡ *Ibid*, pp. 1649–1657.

‖ *Ibid*, pp. 1693, 1742–1745, 1763–1769, 1775–1778, 1781–1787, 1793–1846; Benton, *Abridgment*, vol. xii., p. 773.

proved the measure.* The clause in the bill providing for the safe-keeping of the money declared that the Secretary of the Treasury was to select State banks near the places of collection and disbursement of the revenue to be depositories of the public money.† Should there be no banks nor any place where revenue was gathered, or should they refuse to receive the money on deposit, the Secretary was empowered to deposit the money in any other banks of that State or Territory, or in those of an adjacent State. Whenever the amount of public deposits in any bank should exceed one-fourth of the capital stock of such bank actually paid in, the banks should allow interest at the rate of two per cent. per annum.

When the bill reached the House an effort was made to split the bill in two, one providing for the distribution of the surplus and the other to regulate the safe-keeping of the deposits in the State banks. An amendment was therefore proposed, striking out the provision for certificates to be sold bearing interest from the date of sale, forbidding the Secretary to call for the deposits in sums of more than $10,000 in any month from any State without giving 30 days' notice for each $20,000 required, and requiring each State to pledge its faith that the money received would be repaid, when needed to meet appropriations. In this shape the bill was reported to the House by the Committee of the Whole and on June 21 was passed by a vote of 155 to 38.* The Senate concurred in the House amendment the next day,† and on June 23 Jackson signed the bill.‡

The effect of this distribution of the surplus revenue among the States was what might have been expected.‖ New banks suddenly sprang into existence with nominal capital and the country was flooded with paper money. Speculations of the wildest character, particularly speculations in lands,

* Schouler, *United States*, vol. iv., p. 234; McMaster, vol. vi., p. 322.

† Sumner, *Life of Jackson*, p. 327.

* *Register of Debates*, vol. xii., pt. iv., pp. 4339–4380.

† *Ibid*, vol. xii., pt. ii., pp. 1857–1859.

‡ For text see *United States Statutes-at-Large*, vol. v., pp. 52–56. Webster's speech of March 17 on the deposit banks will be found in his *Works*, (ed. 1857), vol. iv., pp. 235–237, and the speech of May 31 on the surplus revenue, in *ibid*, vol. iv., pp. 252–264. For Calhoun's speech of May 28 on the regulation of the deposits, see his *Works* (ed. 1857), vol. ii., pp. 534–569. In general, see also Benton, *Thirty Years' View*, vol. i., p. 128; Bourne, *History of the Surplus Revenue of 1837*; Knox, *United States Notes*, chap. xii.; Dewey, *Financial History*, pp. 219–221; Peck, *The Jacksonian Epoch*, pp. 264–265; *Niles' Register*, vol. l., pp. 290–291; *Register of Debates*, vol. xii., pt. iv., app., pp. xix.–xxi. The most important paragraphs will be found in MacDonald, *Select Documents*, pp. 324–327.

‖ Benton says: "It is, in name, a deposit; in form, a loan; in essence and design, a distribution. * * * It is known to be so, and is intended to be so; and all this verbiage about a deposit is nothing but the device and contrivance of those who have been for years endeavoring to distribute the revenues, sometimes by direct propositions, and sometimes by proposed amendments to the constitution. * * * It has no feature, no attribute, no characteristics, no quality of a deposit." —Benton, *Thirty Years' View*, vol. i., p. 652. Benton was right, for the deposits have never been recalled.

were set on foot. Millions of acres were bought to be held for a rise in value. Hundreds of thousands of acres were laid out as town sites and sold at an immense profit. Prior to 1834 the sales of public lands in any one year never amounted to $4,000,000, but in that year the receipts rose to $4,887,000, in 1835 to $14,757,000, and in 1836 to more than $24,800,000.* But this sum consisted not of specie but of credit on the books of the banks that held Government deposits. The notes of these institutions were called land-office money, and nothing else save specie (and in some cases Virginia scrip) could be received by the agents in exchange for the lands. Benton early saw the drift of this speculation. He said that speculators would go to the banks, borrow many thousands of dollars in small notes, carry them off several hundred miles, and invest them in public lands as public land money. These notes would circulate and, as many would never return to the bank of issue, the profit was considerable. The speculator, loaded with such paper, would outbid the settlers, hold the land for a higher price, and then compel payment to be made in real money. This, Benton said, was injuring the settlers, filling the Treasury with paper, and flooding the new States with bank bills — all of which ought to be stopped. On April 23, 1836, he moved that nothing but gold and silver coin ought to be received in payment for public lands,* but the Senate laid the resolution on the table. Other measures were introduced from time to time, but Congress finally adjourned without acting. Jackson then took up the question, and, being fully convinced that there were fraud and corruption in the sale of public lands, instructed the Secretary of the Treasury on July 11, 1836, to issue the so-called specie circular. This required that, after August 15, the receivers of public money should accept nothing in payment of the public lands except what is permitted by the existing laws, viz., gold and silver, and, in the proper cases, Virginia land scrip.†

After the Deposit Act was passed the States began to move. Laws were passed accepting the quotas of the deposits by Tennessee in October of 1836; by Vermont, Rhode Island, New Jersey, and Arkansas in November; by Connecticut, Pennsylvania, Maryland, Virginia, South Carolina, Georgia, Alabama, Kentucky, Ohio, Illinois, and Indiana in December; by Maine, Massachusetts, New Hampshire, New York, Delaware, North Carolina, and Michigan in January of 1837; by Missouri in February; by Louisiana in March; and by Missis-

* See also Schouler, *United States*, vol. iv., p. 261; Von Holst, *Constitutional and Political History*, vol. ii., p. 18; McMaster, vol. vi., p. 324.

* Benton, *Abridgment*, vol. xii., p. 760.

† For text see *Senate Doc.* 2, 24th Congress, 2d session, p. 96; MacDonald, *Select Documents*, pp. 328–329. Webster's speech of April 23, 1836, on Benton's motion, is in his *Works*, (ed. 1857), vol. iv., pp. 238–246. See also Benton, *Thirty Years' View*, vol. i., chap. cxlvi.; Schouler, *United States*, vol. iv., p. 264.

sippi in May.* The most difficult question the various States had to decide was the use to be made of the deposits. In New England the opinion prevailed that the Secretary of the Treasury would never call for the return of this money and that the allotment should be distributed *per capita*, or at least distributed among the towns on a basis of population, to be expended by the latter as they deemed best. On February 28, 1838, the Maine legislature authorized a *per capita* distribution. In New Hampshire most of the towns used the money for school purposes, but in Portsmouth it was distributed *per capita* among the inhabitants. Vermont loaned her portion to the towns on the basis of population, at the rate of 6 per cent., the income to be used to support schools; but should any town not need the money for this purpose it could employ it as it deemed best. In Massachusetts under an act passed on March 21, 1837, $2,500 were to be placed in a reserve fund, the income from which was to be used to support schools among the Indians, one-half of the balance was to be distributed among the towns on the basis of population as shown by the census of 1830, and the other half on the basis of a census to be taken on May 1, 1837. Rhode Island placed her money on deposit in the State banks at 5 per cent. interest and distributed it among the towns for school purposes. Connecticut deposited the money with the towns strictly as a deposit, authorized the towns to loan the money at a legal rate of interest, and allowed them to spend half the annual income on schools and half for ordinary municipal expenses.

New York used part of the interest on her share to support common schools and academies, adding the other part to the common school fund. In New Jersey the money was divided among the counties in the ratio of the taxes paid by them, and the boards of freeholders were authorized to loan the money on bond and mortgage. Pennsylvania used the largest portion of her quota to extinguish the State debt, the rest being devoted to educational purposes and internal improvements. Delaware invested her share in bank stocks, railroad bonds, and loans, and divided the income among her three counties for school purposes. Maryland used her share to pay her State debt; Virginia invested her portion in bank stocks; North Carolina employed a part of hers to liquidate the public debt, some in bank stock investments, some for contingent expenses, and some for internal improvements; while South Carolina invested her portion in railroad stock, reserving the interest for public purposes. Two-thirds of the interest derived from Georgia's portion was devoted to the payment of State expenses and the rest for school purposes. Alabama used the interest from her quota for school purposes;

* McMaster, vol. vi., p. 351.

Mississippi spent the principal of her quota chiefly on internal improvements and other State expenses; Louisiana liquidated her floating debt, bought stock in a canal company, and appropriated the balance to educational purposes. Ohio deposited her share with the counties on the basis of male population of full age, the interest being devoted to educational purposes. Indiana invested one-half of her share in bank stock, depositing the other half with the counties on the basis of taxable polls, the interest to go to the school commissioners. Illinois devoted her share to internal improvements, and Michigan spent hers for internal improvements and other State expenses. In Missouri, Arkansas, Kentucky, and Tennessee the money was invested in bank stock, the interest being devoted to educational purposes. Very few of the States, however, realized the hopes for which they had divided their money; banks failed, schemes for internal improvements proved abortive, and the Civil War brought disaster from which many of the States never recovered.*

CHAPTER XI.

1835–1837.

THE END OF JACKSON'S ADMINISTRATION.

Nominations by party conventions — Election of Van Buren and Johnson — Revision of the Maryland constitution — Jackson's last message to Congress — The attack on Taney's specie circular — Clay's land bill — Expunging of the censure of Jackson — Introduction of anti-slavery petitions — The attempt to censure Adams — The coinage act of 1837.

When Congress adjourned on July 4, 1836, the Presidential campaign was drawing to a close. Long before (in January of 1835) Representatives from Tennessee opposing Van Buren's reëlection invited Senator Hugh L. White, of that State, to become a candidate for the Presidency.* White finally accepted, and a newspaper named *The Appeal* was started at Washington in the interests of his candidacy.† The anti-Van Buren members of the Ohio legislature and citizens of various parts of the State then at Columbus met there and named Judge John McLean.† The Alabama Senate and House endorsed Judge White.‡ In Mississippi the convention named Van Buren and

* Stanwood, *Presidential Elections*, pp. 114–115; Shepard, *Martin Van Buren*, p. 219; *Niles' Register*, vol. xlvii., p. 378.

† *Niles' Register*, vol. xlvii., p. 434.

* McMaster, vol. vi., pp. 352–357. See also E. G. Bourne, *History of the Surplus Revenue of 1837*. For the amount apportioned to and received by the various States, see *Niles' Register*, vol. li., p. 297.

† He had been recommended for the Presidency as early as November of 1833 at a meeting of mechanics and workingmen at Baltimore, See *Niles' Register*, vol. xlv., p. 150.

‡ Sumner, *Life of Jackson*, pp. 378–379; *Niles' Register*, vol. xlvii., p. 387.

Benton, who promptly declined. In Massachusetts a caucus of the members of the legislature nominated Daniel Webster, not as a citizen of Massachusetts, but as a citizen of "our country, our whole country, and nothing but our country."* At a mass meeting in Dauphin County, Pennsylvania, William Henry Harrison was named, but as yet his selection found little support. When the Democratic State convention met at Harrisburg in March it instructed its delegates to the National convention to vote for Van Buren.† The Democratic National convention met at Baltimore on May 20, 1835, and the delegates cast a unanimous vote for Van Buren.‡ There was a struggle over the Vice-Presidency prior to the convention, but on the first ballot Richard M. Johnson, of Kentucky, received 178 votes, and thus was awarded the nomination.‖ It was then announced that Virginia would not support Johnson, that the State had gone as far as she could in voting for Van Buren, and would go no farther.§ Thus five candidates were before the people, but before the summer had passed McLean formally withdrew, and it became certain that neither Webster nor White would receive much support.

All the States were to choose Presidential electors in November of 1836. When the returns began to come in, Pennsylvania, Indiana, and Virginia were in doubt, but by the first week in December enough returns had been received to show that Van Buren would have 167 electoral votes; Harrison 73; White 26; and Webster 14. South Carolina did not support any candidate, but gave her 11 votes to W. P. Mangum, of North Carolina, White's votes came from Georgia and Tennessee, and those of Webster from Massachusetts. Harrison carried Vermont, New Jersey, Delaware, Maryland, Kentucky, Ohio, and Indiana. As Johnson received 147 votes for the Presidency, Francis Granger, of New York 77, John Tyler 47, and William Smith 23 votes, no one had a majority and the duty of electing the Vice-President devolved on the Senate.

When the electoral vote was to be counted by a joint committee of Congress, Clay, on January 27, 1837, introduced a resolution calling upon the committee to ascertain whether any votes given by the electors were contrary to the provisions of the Constitution, and if so what should be done with them.* Three of the electors in

* Curtis, *Life of Webster*, vol. i., p. 502 *et seq.*; McMaster, *Life of Webster*, p. 235; *Niles' Register*, vol. xlvii., p. 379.

† *Niles' Register*, vol. xlviii., pp. 20–21.

‡ Shepard, *Martin Van Buren*, p. 222; *Niles' Register*, vol. xlviii., pp. 206–207, 226–228, 244–248, 257–258. Bancroft (*Martin Van Buren*, p. 186) gives a long excerpt from Van Buren's letter setting forth his views on public questions.

‖ Stanwood, *Presidential Elections*, p. 115; Schouler, *United States*, vol. iv., p. 202.

§ *Niles' Register*, vol. xlviii., p. 229; Stanwood, *Presidential Elections*, p. 116; MacDonald, *Jacksonian Democracy*, pp. 296–297.

* *Register of Debates*, vol. xiii., p. 617.

North Carolina and one each in the States of New Hampshire and Connecticut were deputy-postmasters at the time of their appointment as electors, and one in New Hampshire was acting pension-agent and president of a deposit bank. Clearly they had no right to vote, but whether the right to judge of their qualifications rested with Congress or the Electoral College, the committee was not prepared to say.* Another question arose as to the vote of Michigan. When her electors were chosen and when their votes had been cast, Michigan had not been admitted into the Union as a State. Now, however, she was a State and, following the precedent in the case of Missouri, the committee recommended that as the votes of Michigan would make no difference in the result, it should be announced that "in either event A. B. is elected President of the United States." The Michigan Senators strongly objected, but the plan was approved. The votes of the disqualified electors in North Carolina, New Hampshire, and Connecticut were not challenged. The Senate then proceeded to elect Richard M. Johnson Vice-President.†

The Presidential campaign was of far less interest to the people of Maryland than the struggle over the new constitution. Many thought the existing constitution unrepublican and oppressive. Under it the representation in the legislature was not apportioned on population; the Senate was chosen by an electoral college and not by the people; the governor was elected by the legislature; and the judges were appointed by the executive.* Under the existing arrangement, Kent and Calvert counties, with 20,000 people, had the same representation in the electoral college and in the legislature as Frederick and Washington counties, with 71,000 population. At this time Baltimore's population exceeded 80,000, yet it had but one representative in the assembly while Kent and Calvert counties had two each.

The constitution provided that every fifth year, beginning with 1781, the voters of each county should elect two persons, and the voters of Baltimore and of Annapolis one for each city. These delegates were to meet at Annapolis in September to choose 15 senators from their own body or from the people at large. In 1836 another senator was to be elected, and those who desired to reform the constitution endeavored to elect the majority of the 40 members of the electoral college. When the contest terminated, the Whigs had elected 21 members and the Van Buren Democrats 19.† The constitution provided that unless 24 voters met, no senate

* *Ibid*, p. 635.

† Stanwood, *Presidential Elections*, p. 121; Schouler, *United States*, vol. iv., p. 554; *Niles' Register*, vol. li., p. 383.

* For the constitution see Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1686–1706, including the amendments.

† *Niles' Register*, vol. li., p. 50.

could be chosen, and this was the sole hope of the reformers. They called a public meeting at Frederick early in September to devise means for carrying the will of the people into effect. The 19 Van Buren electors had received 205,992 votes, while the 21 Whigs had received only a few over 85,000. The meeting required that the two electors from Frederick County demand that "no member of the former Senate or of the House of Delegates, who opposed the bill calling a convention of the people, shall be elected to the next Senate of the State;" that at least eight of the next senate should be Van Buren Democrats; "that in the formation of the Senate there shall be a majority of members known to be favorable to [such] a thorough and radical reform of the constitution of the State as will ensure to all citizens living under it equal political rights and privileges;" and that the Whigs should pledge themselves to carry out these conditions in good faith. If the Whigs refused to give this pledge, the two delegates from Frederick County were requested to absent themselves from the electoral college.* A similar request was made of the two delegates from Cecil County, and the reformers in Baltimore gave similar instructions to their delegates.† When the day came for the meeting of the electors, therefore, none of the 19 Van Buren men attended the session, but instead adopted an address to the people and returned home.* The Whigs continued in session, published a reply to the minority,† and were supported by resolutions passed at Whig meetings in Baltimore‡ and by the Democrats of Alleghany County.‖

On November 8 Governor Thomas W. Veazey summoned the legislature to meet in extra session on November 21 to consider the state of public affairs.§ The question was then raised as to whether the governor had a legislature to assemble. Could members of an old senate hold their seats after the day fixed for the election of a new senate? If a new senate had been elected on the day fixed there could not have been an extra session of the old senate. In the constitution there was no provision for continuing the time of service of old senators until successors were elected. Nevertheless, on November 19, a new senate was chosen; for two electors from Queen Anne's, one from Carolina, and two from Anne Arundel joined the 21 Whig electors, thus raising the number to 26.¶ On the following Monday the legislature met, but there was no quorum in the senate, and after continuing in session for a week, the House adjourned.** When the regular meeting of the legislature took place,

* *Niles' Register*, vol. li., p. 51.
† *Ibid*, pp. 51–52.

* For the address see *ibid*, pp. 52–54.
† *Ibid*, pp. 69–70.
‡ *Ibid*, pp. 70–74.
‖ *Ibid*, p. 74.
§ *Ibid*, p. 165.
¶ *Ibid*, pp. 193, 199.
** *Ibid*, pp. 214–215.

Governor Veazey and the old council were elected, and apparently the reformers were hopelessly beaten. But in the meantime (on November 16, 1836) a reform convention had assembled at Baltimore, asked for a new constitution, and demanded reform more emphatically than ever.* On March 10, 1837, therefore, before the legislature adjourned, a law was enacted granting almost everything demanded. The governor was to be chosen triennially by the people, and was ineligible to a second term; the governor's council was abolished; more regard was paid to population in apportioning the members of the lower house; the electoral college was abolished; and the senate was increased to 20 members, one for each county and one for the city of Baltimore.†

By that time Van Buren had become President. When the day for the meeting of the last session of the Twenty-Fourth Congress was near at hand, Jackson was considering the issuing of a farewell address to the people. Turning to Taney for advice, he was counselled to withhold the address until the day of his retirement from office, and did so.‡ In his annual message to Congress, December 5, 1836, therefore, Jackson made no allusion to the approach of his retirement from office. He touched only briefly upon foreign relations, and even the Mexican situation received scant notice. The greater part of the message was taken up with finances. He said that during the past year the Treasury receipts approximated $47,691,898, of which $22,523,151 came from customs and about $24,000,000 from land sales. As expenditures would not exceed $32,000,000, the total balance in the Treasury on January 1, 1837, would be $41,723,959. The unexpended balances of appropriation on January 1, 1837, were estimated at $14,636,062, exceeding by $9,636,062 the amount which would be left in the deposit banks subject to the draft of the treasurer of the United States, after the contemplated transfers to the several States were made. He therefore said that a necessity might soon arise to use a portion of the funds deposited in the States. He believed that the act for the deposit of the surplus revenue had been "extensively spoken of as an act to give the money to the several States, and they have been advised to use it as a gift without regard to the means of refunding it when called for." He said that the States had "no more authority to receive and use these deposits without intending to return them" than any deposit bank or any individual would have for converting public moneys entrusted to them to their private use, without the consent and against the will of the Govern-

* *Niles' Register*, vol. li., p. 215.

† For the amendment as ratified in 1837, see Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1706–1712. See also McMaster, vol. vi., pp. 371–375; *Niles' Register*, vol. lii., pp. 73–74.

‡ The address will be found in *Register of Debates*, vol. xiii., pt. ii., pp. 2165–2177; *Niles' Register*, vol. lii., pp. 20–23.

ment. He condemned the policy of raising revenue beyond the wants of the Government, denounced the collection of the revenue merely for distribution to the States as highly impolitic and dangerous, and pointed out the effect of the deposit system on the multiplication of bank charters and in producing a spirit of wild speculation. He said that there were many objectionable features "in the operation of the ratio for distribution adopted in the deposit bill." He compared the differences produced by the ratio used in the deposit act, with the results of a distribution according to the ratio of direct taxation. Under the latter the State of Delaware, in the collection of $30,000,000 of revenue, would pay into the Treasury $188,716, and in the distribution of $30,000,000 she would receive back from the Government, according to the ratio of the deposit bill, the sum of $306,122. He said that Congress was authorized only to levy taxes "to pay the debts and provide for the common defence and general welfare of the United States" and that the safest and simplest mode of obviating all the evils of a surplus was to collect only revenue enough to meet the wants of the Government, allowing the people to keep the balance of their property in their own hands to be used to their own profit. Various other matters were taken up, including the effects of an extension of bank credits and over-issues of bank paper upon the currency, prices of commodities and wages, and of the measures of the Government to curtail the operations of speculators, etc.*

Many, however, considered that Taney's specie circular had been far from beneficial, and early in the session it was vigorously attacked. On December 12 in the House and on the 14th in the Senate, a resolution was introduced rescinding the circular and forbidding the Secretary of the Treasury to delegate any person or corporation power to determine the funds to be received for customs duties or public lands.† The resolution was referred to the Committee on Public Lands, but on January 23, 1837, the committee was discharged and the matter was referred to the Committee on Finance and was never heard of again.‡ But the House and Senate passed a bill designating and limiting the funds receivable for the revenues of the United States,‖ and sent it to Jackson, who on March 3, wrote out a veto message, based on the opinion of the Attorney-General, stating that the act was so obscure that

* For the entire message see Richardson, *Messages and Papers*, vol. iii., pp. 236–260; *Niles' Register*, vol. li., pp. 232–237; *Register of Debates*, vol. xiii., pt. ii., app., pp. 1–10; Benton, *Abridgment*, vol. xiii., pp. 46–56.

† *Niles' Register*, vol. li., pp. 253, 259; *Register of Debates*, vol. xiii., pt. i., p. 8; Benton, *Abridgment*, vol. xiii., p. 57.

‡ For the debate in the Senate see *Register of Debates*, vol. xiii., pt. i., pp. 21–79, 89–123, 128–150, 172–204, 327–376, 533; Benton, *Abridgment*, vol. xiii., pp. 57–68, 92–99.

‖ *Niles' Register*, p. 279; *Register of Debates*, vol. xiii., pt. i., pp. 562–563, 577–617, 619–644, 778; Benton, *Abridgment*, vol. xiii., pp. 165–182.

it would admit of many interpretations and conflict with many laws then on the statute books. This message was never sent to Congress, but was deposited in the Department of State.* Clay then introduced a bill providing for the distribution of the proceeds of public land sales,† but the Committee on Public Lands struck out all save the enacting clause, and on January 2, 1837, reported as an amendment a bill limiting the sale of land to actual settlers.‡ The bill passed the Senate but was rejected in the House.‖ On December 21, 1836, Calhoun introduced a bill designed to distribute the surplus in the Treasury on January 1, 1838, in accordance with the act of June, 1837,§ but this did not receive serious consideration.

The exciting debates of the session were caused by Senator Benton's resolution to expunge the censure of Jackson and by a resolution introduced in the House to censure Adams. During the long fight to secure the passage of an expunging resolution the complexion of the House had greatly changed. Several of those who had opposed the expunging resolution in previous sessions of Congress had given way to expungers, and Benton believed that he could muster 29 out of the 49 votes the Senate could cast. On December 27, 1836, Benton introduced his resolutions, and the debate began.* There were several speeches on the subject, but the two greatest speeches were those of Benton, in which he reviewed and lauded Jackson's career, and of Clay, the best speech he had yet delivered.† The old arguments were rehearsed, and scorn, sarcasm, and invective were employed by both sides. So doubtful was the issue that in the midst of the debate the Democratic Senators met to confer. Benton says: "On that occasion it required the moderation, tact and skill of the prime movers to obtain and maintain the union upon details."‡ But it was finally agreed "that there should be no adjournment of the Senate after the resolution was called, until it was passed." Knowing the difficulty of keeping men steadily at their work and in a good humor when tired and hungry, the mover of the proceeding gave orders that night to have an ample supply of cold ham, pork,

* For the message and the Attorney-General's opinion, see Richardson, *Messages and Papers*, vol. iii., pp. 282–288; *Register of Debates*, vol. xiii., pt. ii., pp. 2158–2165.

† *Register of Debates*, vol. xiii., pt. i., p. 20; Benton, *Abridgment*, vol. xiii., p. 61.

‡ *Register of Debates*, vol. xiii., pt. i., p. 204; Benton, *Abridgment*, vol. xiii., p. 72.

‖ *Register of Debates*, vol. xiii., pt. i., pp. 377–380, 419, 428, 529, 535–562, 644–696, 701–706, 726–737, 740–777; Benton, *Abridgment*, vol. xiii., pp. 109–111, 161–162.

§ *Niles' Register*, vol. li., pp. 309–310; *Register of Debates*, vol. xiii., pt. i., p. 79 *et seq.*; Benton, *Abridgment*, vol. xiii., p. 61.

* Schurz, *Life of Clay*, vol. ii., p. 100; *Register of Debates*, vol. xiii., pt. i., p. 128.

† Schurz, *Life of Clay*, vol. ii., p. 102 *et seq.* For the debate see *Register of Debates*, vol, xiii., pt. i., pp. 380–418, 428–504; Benton, *Abridgment*, vol. xiii., pp. 99–109, 111–156; *Niles' Register*, vol. lii., pp. 57–60.

‡ Schurz, *Life of Clay*, vol. ii., p. 104.

rounds of beef, pickles, wines and cups of hot coffee ready in the committee room near the Senate Chamber.* The resolution was called on January 16, and late that night, after Webster had solemnly protested against it,† and after Ewing had closed the debate, Benton moved that the blanks in the resolutions be filled by inserting the words "16th day of January and the date 1837." The resolution was passed by a vote of 24 to 19,‡ whereupon the Secretary of the Senate brought in the journal of 1834 containing the censure, opened it at the proper page, drew black lines around the resolution of March 28, and wrote across it "expunged by order of the Senate, this 16th day of January, 1837."||

The struggle in the House over the right of petition was renewed on December 26, 1836, when Adams presented a memorial from Pennsylvania regarding the abolition of slavery and the slave trade in the District of Columbia.§ Objection was immediately made to its reception, for under the rule adopted at the last session such memorials were to be laid on the table without being read, printed or referred. But the Speaker ruled that the operation of the resolution ceased with the close of the session, and thus re-opened the whole question and gave Adams a chance to begin the contest. The Pennsylvania petition was laid on the table, and Adams waited until he had received several more memorials before again broaching the subject. On January 9, 1837, he presented another petition and moved that it be read, which was objected to. When a motion to receive the petition was laid on the table, Adams notified the House that he would continue to call it up until a decision should be reached.* He then presented another petition, which he attempted to read as part of his speech, but was finally forced to take his seat.† It was then ruled that Adams might state the contents of the petition briefly but should not read it. Adams replied that the document was only a few lines long, and that it was in itself the briefest statement of the contents that could be made. He therefore continued, despite cries of order from all parts of the House. The petition was received and then laid on the table.‡ Adams then presented a third petition, but that went over as unfinished business. The

* Benton, *Thirty Years' View*, vol. i., p. 727; Parton, *Life of Jackson*, vol. iii., p. 619; Clay, *Life of Clay*, p. 238; Roosevelt, *Life of Benton*, pp. 140–141.

† Curtis, *Life of Webster*, vol. i., pp. 544–549.

‡ Schouler, *United States*, vol. iv., pp. 241–242.

|| The text of the resolution will be found in *Senate Journal*, 24th Congress, 2d session, pp. 81–83. For Clay's speech of January 16, see his *Life and Speeches* (ed. 1844), vol. ii., pp. 264–278; *Niles' Register*, vol. li., pp. 406–409. Benton's account will be found in his *Thirty Years' View*, vol. i., chaps. cxxii.–cxxiv., cxli., clix.–clxi. See also *Niles' Register*, vol. li., pp. 331–333, 346; Clay, *Life of Clay*, pp. 240–242; Peck, *The Jacksonian Epoch*, pp. 318–327.

§ *Register of Debates*, vol. xiii., pt. i., p. 1156.

* *Register of Debates*, p. 1316.

† *Ibid*, p. 1317 *et seq.*

‡ *Ibid*, pp. 1319–1321.

Speaker then returned the first and third petitions, holding that they were not in the possession of the House. Before the matter was taken up again a gag resolution was adopted on January 18, 1837: "*Resolved*, That all petitions, memorials, resolutions, propositions or papers, relating in any way, or to any extent whatever, to the subject of slavery, shall, without being either printed or referred, be laid upon the table, and that no action whatever shall be had thereon."*

It was then the rule of the House that unfinished business should be taken up each Monday morning before any new business. On the following Monday morning, therefore, when the Speaker announced the unfinished business, Adams claimed that the business of the morning was to decide whether a petition from Dover should be received. The Speaker ruled that the adoption of the gag order had disposed of this petition. Adams, however, contended that the unfinished business was the question of receiving, that it was not the presentation of a petition, a memorial, or a paper, but a debate pending in the House, and therefore that it did not come under the resolution. The Speaker insisted upon his version of the rule and Adams appealed, but the House by a vote of 145 to 32 sustained the Speaker.† On February 6, 1837, Adams attempted to introduce a petition, which he said had come from 22 slaves, asking the Speaker if such a petition fell within the rule of the House concerning petitions relating to slavery.* The Speaker replied that such a presentation from slaves was so extraordinary that he would refer the whole matter to the House, and a fiery debate ensued.† Calhoun declared: "I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession, compromise would follow compromise, until our ranks would be so broken that effectual resistance would be impossible."‡ One member introduced a resolution "that the honorable John Quincy Adams, by the attempt just made by him to introduce a petition, purporting on its face to be from slaves, has been guilty of a gross disrespect to this House, and that he be instantly brought to the bar to receive the severe censure of the Speaker."‖ Another introduced a resolution that Adams had laid himself liable to the severest censure of the House, and should be censured accordingly, without being brought to the bar.§ Another stated that by his

* *Ibid*, pp. 1339, 1411; Peck, *The Jacksonian Epoch*, pp. 314–315; Quincy, *Memoir of John Quincy Adams*, p. 251.

† *Register of Debates*, pp. 1424–1427.

* *Niles' Register*, vol. li., p. 385; *Register of Debates*, p. 1587; Schouler, *United States*, vol. iv., p. 231.

† Morse, *John Quincy Adams*, pp. 270–271.

‡ Von Holst, *Life of Calhoun*, pp. 143–144. See also pp. 165–170. For the entire speech see Jenkins, *Life of Calhoun*, pp. 330–336; *Register of Debates*, vol. xiii., pt. ii., pp. 2184–2188.

‖ *Register of Debates*, vol. xiii., p. 1590; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 346–347; Morse, *John Quincy Adams*, p. 272.

§ *Register of Debates*, p. 1591.

attempt to introduce a petition from slaves praying that slavery be abolished in the District of Columbia, Adams had outraged the rights and feelings of a large portion of the people of the Nation, had shown a flagrant contempt for the dignity of the House, and by extending to slaves a privilege belonging only to freemen had practically invited the slaves to revolt.* Adams then asserted that he had not attempted to present the petition, but merely had asked if the paper he held in his hand, purporting to be a petition from slaves, was included within the order of the House,† and the following resolution was introduced:

"1. *Resolved*, That the Honorable John Q. Adams, by an effort to present a petition from slaves, has committed a gross contempt of this House.

"2. *Resolved*, That the member from Massachusetts above named, by creating the impression, and showing the House, under such impression, that the said petition was for the abolition of slavery, when he knew that it was not, has trifled with the House.

"3. *Resolved*, That the Honorable John Q. Adams receive the censure of the House for his conduct referred to in the preceding resolutions." ‡

A long debate then ensued. The first amendment was withdrawn, the second was modified and, after Adams had spoken in his own defence, both resolutions were rejected.* Two days later, however, the House reconsidered its vote and resolved that it could not receive a petition purporting to come from slaves without disregarding its own dignity and the rights of a large body of the citizens in the South and West, and that the slaves did not possess the right of petition which under the Constitution free citizens enjoyed.†

One of the important measures of the session was the act of January 18, 1837, revising the coinage laws and reducing the weight of the silver coins.‡ The act provided that the silver dollar should contain 412½ grains and subsidiary coins in proportion, but the legal tender power of the coins was not affected. No change was made in the weight of the standard gold coins (258 grains), but the weight of pure gold in the eagle was increased from 232 to 232.2 grains and in the other gold coins in proportion, thus giving exactly 900-thousandths fine for the eagle. One of the most important changes was in the standard. Under the old act the standard was 11 parts pure to 1 of alloy, but the new act provided that the standard should be such that "of

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* *Ibid*, p. 1592; Morse, pp. 272–273; Quincy, *Memoir of John Quincy Adams*, p. 252; Von Holst, *Constitutional and Political History*, vol. ii., p. 259.

† *Register*, pp. 1594–1596; Quincy, p. 253; Morse, *John Quincy Adams*, pp. 273–274; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 348–352.

‡ *Niles' Register*, vol. li., p. 389; *Register of Debates*, p. 1599; Morse, *John Quincy Adams*, p. 275.

* Quincy, pp. 254–257. Morse, pp. 276–280 gives a resumé of his speech.

† *Niles' Register*, vol. li., pp. 396–397; *Register of Debates*, vol. xiii., pt. ii., pp. 1610–1685; McMaster, vol. vi., pp. 382–386; Schouler, *United States*, vol. iv., p. 232.

‡ *United States Statutes-at-Large*, vol. v., p. 136. For the debate see *Register of Debates*, vol.. xiii., pp. 326–327, 1144, 1424.

one thousand parts by weight, nine hundred should be of pure metal and one hundred of alloy," or 9 to 1.* Thus the differences between the acts of 1792 and 1837, with respect to silver coins, were as follows:

COINS.	Act of 1792. Grains pure.	Act of 1792. Grains standard.	Act of 1837. Grains pure.	Act of 1837. Grains standard.
Dollar.....	$371\frac{4}{16}$	416	$371\frac{4}{16}$	$412\frac{1}{2}$
Half dollar.....	$185\frac{10}{16}$	208	$185\frac{10}{16}$	$206\frac{1}{4}$
Quarter.....	$92\frac{13}{16}$	104	$92\frac{13}{16}$	$103\frac{1}{8}$
Dime.....	$37\frac{2}{16}$	$41\frac{3}{8}$	$37\frac{2}{16}$	$41\frac{1}{4}$
Nickel.....	$18\frac{9}{16}$	$20\frac{5}{8}$	$18\frac{9}{16}$	$20\frac{5}{8}$

CHAPTER XII.

1837.

THE PANIC OF 1837.

Van Buren's inauguration — His Cabinet — Beginning of the panic — The flour riots in New York — Business failures — Van Buren's audience to the New York committee — The suspension of specie payments — Opinions on the causes of the panic — Van Buren's message to the special session of Congress — Debate on remedial measures and the sub-treasury bill — The resumption of specie payments.

On March 4, Martin Van Buren was inaugurated as the eighth President of the United States. After he had delivered his inaugural address,† Chief Justice Taney administered the oath of office. The same day Jackson published a farewell address to the people of the United States, after the fashion of Washington's.‡ On the 7th he left the Capital and slowly made his way to the Hermitage, on his way being greeted by friends at every town.‖ The new President made but one change in the Cabinet. Cass retired from the office of Secretary of War, and Joel R. Poinsett took his place.* John Forsyth remained Secretary of State, Levi Woodbury, Secretary of the Treasury, Mahlon Dickerson, Secretary of the Navy, Benjamin F. Butler, Attorney-General, and Amos Kendall, Postmaster-General.†

When Van Buren was inaugurated he could see only peace and prosperity throughout the land, but signs were plentiful that a panic was about to sweep the country. The specie circular had considerably disturbed the money market, and the withdrawal of the quarterly installments from the deposit banks in January and April still further increased the disturbance.‡ Loans were called in, accom-

* Watson, *History of American Coinage*, pp. 97–99; Laughlin, *History of Bimetallism*, pp. 73–74.

† For his inaugural address see *Register of Debates*, vol. xiii., pt. ii., pp. 2177–2183; Richardson, *Messages and Papers*, vol. iii., pp. 313–320; Benton, *Abridgment of Debates*, vol. xiii., pp. 206–209; *Niles' Register*, vol. lii., pp. 18–20. See also Shepard, *Martin Van Buren*, pp. 243–245.

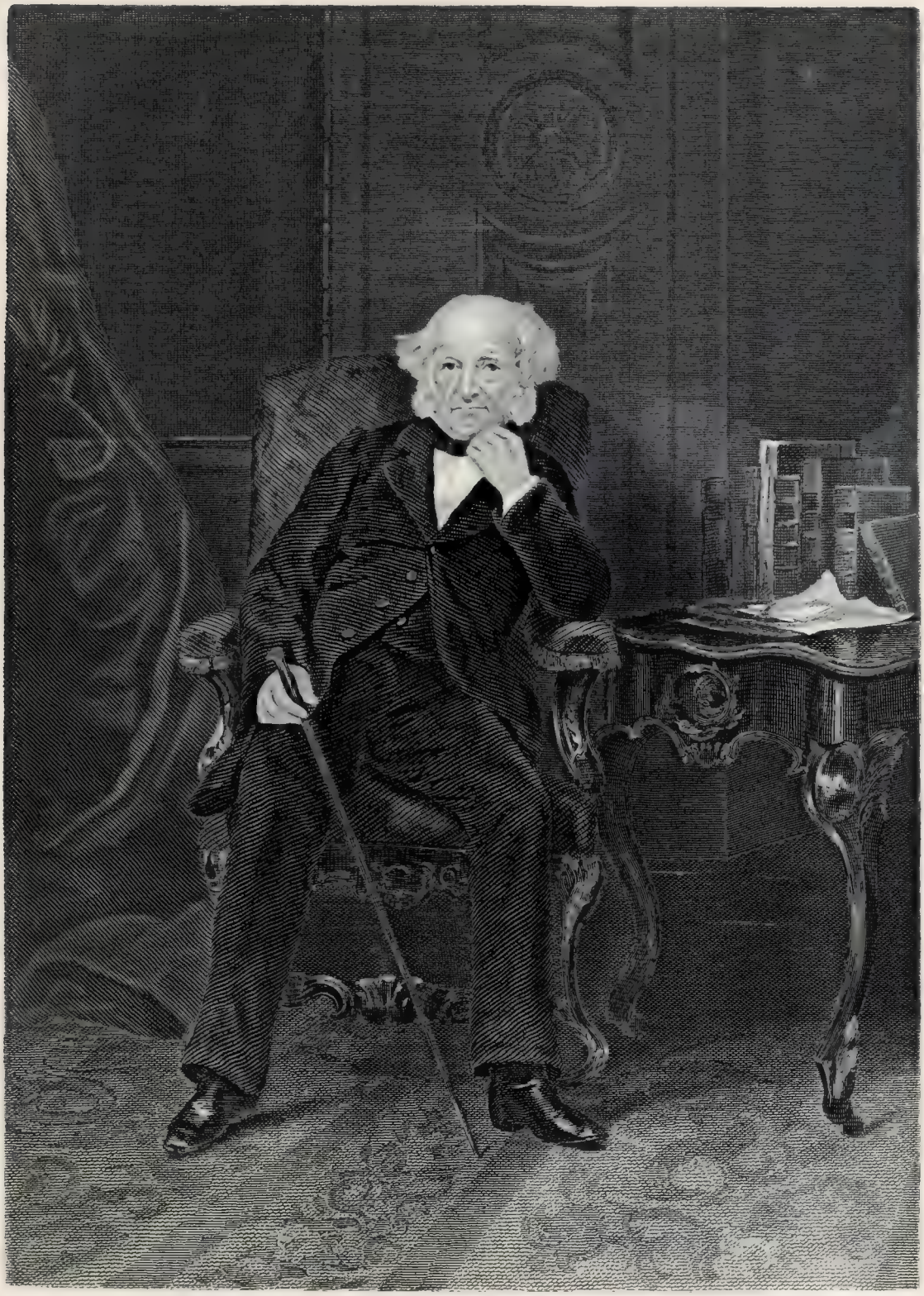
‡ For which see Richardson, *Messages and Papers*, vol. iii., pp. 292–308.

‖ Parton, *Life of Jackson*, vol. iii., p. 628 *et seq.*

* Peck, *The Jacksonian Epoch*, p. 347; Schouler, *United States*, vol. iv., p. 279.

† Shepard, *Martin Van Buren*, p. 243.

‡ Schouler, *United States*, vol. iv., p. 280.



M Van Buren

modations were considerably curtailed, and a sudden check was given to all sorts of business enterprises depending upon bank loans and the existence of credit. To make matters worse the price of money rose, and, owing to the panic which began in March in England, specie ceased to be imported. The price of cotton fell from 17 to 10 cents per pound* and the Bank of England began to contract its credits and to demand remittances in gold at a time when the banks were preparing to pay the second quarterly installment on April.†

Another cause contributing to aggravate conditions was the scarcity and high price of flour in the Eastern cities. A scourge of the Hessian fly had caused untold damage in the wheat fields of Pennsylvania, Maryland, West Virginia, Delaware and Tennessee. The loss of the wheat crop resulted in a rapid rise in the prices of wheat and flour. In September, wheat sold in Baltimore for $2.15 a bushel, while in New York no flour could be bought for less than $8.50 per barrel. By February 1, 1837, flour sold in New York at $12.50 per barrel, while in Baltimore wheat rose to $2.25 per bushel. As the wages then paid to the working classes precluded their purchasing flour at this price, various measures were suggested to relieve the distress. In New York the Locofoco party called a meeting of the people early in February, which was attended by about 5,000 persons, mostly foreigners. Moses Jacques was chosen chairman, and conspicuous among the orators was Alexander Ming, Jr., who offered a set of resolutions for presentation to the legislature, demanding the enactment of a law prohibiting the circulation of bank notes under $100. These resolutions were adopted. Another speaker then stated that one of the prominent merchants of the city had 53,000 barrels of flour in his store and suggested that the people offer him $8 per barrel, so that if he would not accept this the people would know what to do. The hint sufficed and the mob started off for the warehouse. The iron doors were pried open, and the barrels of flour rolled into the street and there broken to pieces. The police soon arrived on the scene, but they were attacked with barrel staves and stones and pelted with flour. The Mayor attempted to make a speech, but was quickly driven from the scene. It is stated that 500 barrels of flour and 1,000 bushels of wheat were destroyed at this one warehouse. The mob then proceeded to attack other warehouses.* A few weeks later a second meeting was held in the park, at which rag money was denounced and a demand made for gold and silver. Chartered monopolies were inveighed against and sug-

* *Niles' Register*, vol. lii., p. 131.

† Von Holst, *Constitutional and Political History*, vol. ii., p. 194. See also Clement Juglar, *A Brief History of Panics in the United States*, p. 64.

* Schouler, *United States*, vol. iv., p. 267.

gestions made that the crowd go West, buy land at $1.25 per acre and found a new State.*

Before another week had passed, came news of the suspension of three great cotton firms in New Orleans with liabilities of $2,500,000. Three New York firms immediately suspended, with liabilities of more than $9,000,000. Money became so hard to procure that, in March, a committee of merchants went to Philadelphia to seek aid from the United States Bank. Biddle promised to prepare bonds payable in London before the sail of the next packet, which bonds might be purchased and remitted in lieu of private bills, thus substituting the better-known credit of the banks for that of private individuals. The New York banks were requested to increase discounts and give such other relief as they could. To this the banks readily agreed, and when the packets sailed they carried large remittances consisting of bonds of the United States Bank, of the Morris Canal and Banking Company (endorsed by the Bank of North Carolina), and some bills of exchange.†

But this did not stem the panic. By the first week in April the failures in New York numbered 98, with liabilities of more than $60,000,000.‡ On April 11 the *New York Herald* announced that the failures numbered 128.* As a result, provisions, wages, rents, prices of commodities suddenly dropped, employers discharged their help, and people began to break up housekeeping, preparatory to migrating to the West.† By the middle of April the failures in New York had reached 168.‡ Several failures had occurred in Philadelphia and at Mobile, but, though money was distressingly tight in Baltimore, no failures had occurred in that city. In New Orleans cotton on which loans up to 14 cents per pound had been advanced, would now hardly sell for 10 cents, and on April 12, the largest cotton house in the Southwest failed with $15,000,000.‖ Banks had no confidence in the stability of one another, and were also distrusted by the people.§ As importations had been heavy, the merchants were deeply in debt, nor could they pay these debts, because the commodities which they had imported had vastly depreciated in value. Tobacco had fallen beyond all calculation, and cotton was down from 17 to 10 cents per pound. The country now began to draw on the granaries of Europe, owing to the failure of crops in the United States,¶ and thousands of bushels of wheat were imported from Europe. Panicky conditions soon prevailed in the New

* *Niles' Register*, vol. li., pp. 400, 403–404; McMaster, vol. vi., pp. 391–393. See also F. Byrdsall, *History of the Loco-Foco or Equal Rights Party.*

† *Niles' Register*, vol. lii., p. 80.

‡ *Ibid.* p. 100.

* Shepard, *Martin Van Buren*, p. 271.

† *Niles' Register*, pp. 100, 112, 128.

‡ *Ibid*, p. 113.

‖ *Ibid*, p. 114.

§ *Ibid*, p. 130.

¶ *Ibid*, p. 131.

England section. A large number of hands were dismissed by the manufacturers of Haverhill,* the lumber men of Augusta and Bangor suspended operations for lack of orders,† the whalers at Salem ceased to fit out their ships because there was no market for their product, and scores of mechanics and laborers began to leave for lack of work.‡

Meanwhile on April 12 a committee had been appointed by a meeting of the merchants in New York to request the governor to urge the legislature to loan its credit for $6,000,000 for ten years at 10 per cent. per annum, this money to be used to liquidate English debts.|| This committee met with the proposal that the New York banks buy $3,500,000 worth of 5 per cent. stock which the State had authorized to be issued for the construction of the Genesee Valley and Black River Canals, and that the banks pay for this stock in instalments and sell it to the merchants who should use it for remittances to Europe.§ This resulted in little benefit, however, and at another meeting a committee of 50 was appointed to confer with Van Buren and urge him to repeal the specie circular, to suspend until January 1, 1835, all suits on merchant bonds which might lie over for non-payment, and to call an extra session of Congress as early as possible.* On the arrival of the committee at Washington on May 3, the President named an hour of meeting and suggested that their communication be made in writing, which was done.† The committee stated that, within the last six months the value of New York real estate had depreciated more than $40,000,000; that a decline of $20,000,000 in railroad and canal stocks had accrued within the same period; that in two months there had been 250 failures; that the value of merchandise in warehouses had decreased 30 per cent.; that within a few weeks not less than 20,000 individuals depending upon their daily labor for subsistence had been discharged by their employers, because the means of retaining them was exhausted; and that a complete blight had fallen upon a community which previously was active, enterprising and prosperous.‡ Though other towns and cities likewise requested relief at the hands of the Executive, Van Buren declined to repeal the specie circular or to summon Congress,|| though, on May 8, he expressed his willingness to consider the suspension of suits upon unpaid bonds.

* *Niles' Register*, vol. lii., p. 114.

† *Ibid.*

‡ McMaster, vol. vi., pp. 394–397.

|| *Niles' Register*, vol. lii., p. 114.

§ *Ibid*, p. 129.

* *Ibid*, p. 130; Peck, *The Jacksonian Epoch*, p. 353.

† The letter is in *Niles' Register*, vol. lii., p. 165.

‡ See also Dewey, *Financial History*, p. 231; Sumner, *History of American Currency*, pp. 138–139; Shepard, *Martin Van Buren*, pp. 272–273.

|| *Niles' Register*, vol. lii., pp. 145, 166.

Meanwhile alarming accounts came from the Southwest by every mail.* In his message to the Mississippi legislature on April 19, 1837, Governor Charles Lynch laid the blame for existing conditions on interstate commerce. He said that, as long as the people of Mississippi consented to be dependent on a commercial port of entry in another State, they must expect to experience disaster. He suggested that the banks issue post notes, bearing interest and receivable by the State, in payment of all demands; that the legislature permit the importation of slaves into the State, thus checking the exportation of capital from the State; and that railroads then in the course of construction within the boundaries of the State be pushed to completion.† At Mobile a public meeting called on the governor to summon the legislature in special session and urge it to issue State bonds redeemable in 20 years, and to authorize banks to issue post notes receivable in payment of debts.‡

On May 8, upon the return of the New York committee from its visit to the President, a meeting was held at which resolutions denouncing the President's conduct were adopted.|| The city was then in a great state of excitement, for on the morning of the same day the Dry Dock Bank had suspended.* This was followed by a run on all the banks during the following two days, as a result of which they suspended specie payments on May 10.† In the far Southwest the suspension of specie payments had already begun. On May 4 the Planters' and Agricultural banks at Natchez suspended, to be followed by the State bank at Montgomery, Alabama, on the 9th, the Mobile banks on the 12th, the New Orleans banks on the 13th, the Charleston banks on the 17th, the North Carolina State Bank on the 18th, and the banks of Augusta and Savannah on the 19th.‡ When the news of the suspension of New York banks was received in Baltimore, the banks of that city followed suit,|| and soon all banks refused to redeem their notes in coin. As a result of the suspension, the Government was without banks in which it could lawfully deposit its money, for, under section 5 of the act of June 23, 1836, no bank which could not redeem its notes and bills on demand in specie could be a depository of public money. Accordingly, on May 15, 1837, Van Buren issued a proclamation, calling an ex-

* See the Treasury circular in *ibid*, vol. lii., p. 181.

† See the message in *ibid*, vol. lii., p. 207.

‡ *Ibid*, p. 146.

|| *Ibid*, vol. lii., p. 167.

* This bank had assets of $1,880,893.04 and liabilities of $1,172,789.75, exclusive of capital stock of $420,000. See the statement in *Niles' Register*, vol. lii., p. 161.

† *Ibid*, vol. lii., p. 162; Dewey, *Financial History*, p. 230; Peck, *The Jacksonian Epoch*, pp. 352–355; Von Holst, *Constitutional and Political History*, vol. ii., p. 196.

‡ *Niles' Register*, vol. lii., p. 210.

|| *Ibid*, vol. lii., p. 161.

tra session of Congress, to meet on the first Monday of September.*

By suspending specie payments the banks in many States had made themselves liable to forfeiture of their charters. The governors of these States were therefore requested to summon their legislatures in special session to enact necessary legislation authorizing suspension, at least for a time. The governors of Pennsylvania, Louisiana, and Kentucky declined to call an extra session, because the panic had been caused, not by the State governments, but by the meddling of the general government with the currency, and because Congress was the only body vested with power to regulate the currency.† In New Hampshire, Rhode Island, Connecticut, New York, Alabama, Virginia, and Illinois acts were passed legalizing the suspension of specie payments for a short time and under certain conditions.‡

Political leaders now came forth with suggestions of remedies. Jackson suggested that the Government keep entirely aloof from the banks; that it receive and pay out nothing but gold and silver, leaving the banks to take care of themselves; that the revenues be reduced to the actual requirements of the Government; and that no credit be given. Benton believed the panic due to the paper system. He declared that in the Government lands the Nation would find support for many years to come and that the $80,000,000 of gold and silver accumulated in the Government Treasury would furnish plenty of bullion to coin small change and extinguish the pestiferous issue of paper.* John Quincy Adams ascribed the panic to the unrestrained pursuit of inordinate wealth and the abuse of credit, and held that the situation could be relieved if a National bank were chartered by Congress to control all State banks and regulate the currency. Webster, in reviewing the causes of the panic, attributed it to Jackson's financial policy since his refusal to renew the charter of the bank.† In a speech at Wheeling he declared:

"It is in vain, therefore, to say that the present state of affairs is owing, not to the acts of government, but to other causes over which the government had no control. Much of it is owing to the course of the national government, and what is not so, to causes the operation of which government was bound, in duty, to use all legal powers to control. * * * No doubt we shall hear every cause but the true ones, assigned for the present distress. It will be laid to the opposition in and out of Congress, it will be laid to the bank, it will be laid to the merchants, it will be laid to the manufacturers, it will be laid to the tariff, it will be laid to the North Star, or to the malign influence of the last comet, whose tail swept near or across the orbit of our earth,

* Richardson, *Messages and Papers*, vol. iii., pp. 321–322; Benton, *Abridgment*, vol. xiii., pp. 339–340. See also Schouler, *United States*, vol. iv., pp. 284–285; *Niles' Register*, vol. lii., p. 177.

† See the proclamation of Governor Ritner of Pennsylvania, in *Niles' Register*, vol. lii., p. 200. See also the message of Governor E. D. White of Louisiana, in *ibid*, p. 250 and the letter of Governor James Clarke of Kentucky, in *ibid*, pp. 325–326.

‡ The text of the New York act is in *Niles' Register*, vol. lii., p. 180.

* Roosevelt, *Life of Benton*, p. 191 *et seq.*

† See also his speech at Niblo's Garden on March 15, 1837, in *Niles' Register*, vol. lii., pp. 150–156.

before we shall be allowed to ascribe it to its just, main causes — a tampering with the currency, and an attempt to stretch executive power over a subject not constitutionally within its reach." *

In an address dated June 29, 1837, the Albany General Republican Committee stated that, in its opinion, the country had been overtrading, creating a balance of $60,000,000 against our merchants in favor of Europe. To this must be added the speculation in western lands, which had drawn $50,000,000 from trade and commerce; the great fire in New York, which had destroyed about $20,000,000 worth of property; and the disturbances created by the steps preparatory for the distribution of the revenue. The committee suggested as a remedy that the National government collect no more revenue than necessities required and that the banking corporations be divorced from the Government.† At a convention in Harrisburg on July 4 the credit system of the banks was blamed for all the trouble. In two years Pennsylvania alone had increased her banking capital from $17,000,000 to $58,000,000. The remedy suggested was to limit the issue of notes to the amount of paid-in capital, to prohibit the circulation of bills under $20, and to make bank stockholders directly liable.‡ In August of 1837, a business men's convention at Philadelphia attributed the conditions to the speculative craze and the resultant withdrawal of money from business channels; the neglect of agriculture and the consequent importation of bread; idleness, luxury, extravagance on the part of the people as a whole; excessive issues of bank paper and the distribution of the surplus. The convention demanded the payment of duties in cash, a uniform system of bankruptcy, the distribution of the proceeds of public land sales, and the cultivation of silk, of which $23,000,000 worth had been imported during 1836.*

The extra session of Congress assembled at Washington on September 4, 1837, and on the next day the President sent in his message.† He ascribed the panic to general overstimulation of business, excessive issues of bank paper, and other facilities for the acquisition and enlargement of credit, continuing:

"The consequences of this redundancy of credit and of the spirit of reckless speculation engendered by it, were a foreign debt contracted by our citizens estimated in March last at more than $30,000,000; the extension of traders in the interior of our country of credits for supplies greatly beyond the wants of the people; the investment of $39,500,000 in unproductive public lands in the years 1835 and 1836, whilst in the preceding year the sales amounted to only four and a half millions; the creation of debts, to an almost countless amount, for real estate in existing and anticipated cities and villages, equally unproductive, and at prices now seen to have been equally disappropriate to their real value; the expenditure

* *Niles' Register*, vol. lii., pp. 205–206.

† *Ibid*, pp. 326–328.

‡ *Ibid*, pp. 341–344.

* *Ibid*, pp. 373–374. See also McMaster, vol. vi., pp. 409–413.

† See Richardson, *Messages and Papers*, vol. iii., pp. 324–346; Benton, *Abridgment*, vol. xiii., pp. 340–350; *Niles' Register*, vol. liii., pp. 11–16. The Treasury report is in *ibid*, pp. 25–31.

of immense sums for improvements, which in many cases have been found to be ruinously improvident; the diversion to other pursuits of much of the labor that should have been applied to agriculture, thereby contributing to the expenditure of large sums in the importation of grain from Europe — an expenditure, which, amounting in 1834 to about $250,000, was in the first two quarters of the present year increased to more than $2,000,000; and finally, without enumerating other injurious results, the rapid growth among all classes, and especially in our great commercial towns, of luxurious habits founded too often on merely fancied wealth, and detrimental alike to the industry, the resources, and the morals of our people."

To remedy this condition, Van Buren called several matters to the attention of Congress — "to regulate by law the safe keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the government; * * * to prescribe the terms of indulgence and the mode of settlement to be adopted, as well in collecting from individuals the revenue that has accrued and in withdrawing it from former depositories; and to advise and adopt such further measures, within the constitutional competency of Congress, as will be best calculated to revive the enterprise and to promote the prosperity of the country." He said that "to create a national bank as a fiscal agent, would be to disregard the popular will, twice solemnly and unequivocally expressed." He was opposed also to a further connection of the Government and the State banks, but favored the designation of certain public officers to keep and disburse the public moneys, of receiving and paying out nothing but specie, of a uniform bankruptcy law, of withholding the disbursement of the fourth instalment of the surplus, and of issuing treasury notes redeemable as this instalment was collected from the deposit banks.*

When the President's message had been read, the pertinent sections were sent to the Committee on Finance, which on September 12, 13, and 14 reported seven bills: one to postpone the payment of the fourth instalment of the surplus; another authorizing an issue of treasury notes; another permitting the Secretary to extend the time of payment of each duty bond six months from the date on which it fell due; the fourth imposing additional duties as depositories on certain public officers (commonly called the "Divorce Bill"); the fifth to provide for the placing of imports in public stores and the payment of duties when the goods were withdrawn; the sixth to adjust the remaining claims upon the deposit banks; and the seventh to revoke the charters of such banks in the District of Columbia as did not resume specie payments within a specified time, and to suppress the issue of small notes in the District.† The Whigs opposed the first bill because withholding the payment would greatly inconvenience the States and the people, and because provision could easily be made to pay it without

* For a review of the message see Shepard, *Martin Van Buren*, p. 279 *et seq.*

† *Niles' Register*, vol. liii., pp. 40–42, 52; Benton, *Abridgment*, vol. xiii., pp. 350–352; Peck, *The Jacksonian Epoch*, p. 363.

greatly augmenting the sum to be raised for the use of the Treasury. The Democrats supported the bill because the Treasury did not contain the necessary money and because the deposit act did not provide for the disbursement of the specific sum, but only such surplus as was not needed by the Government. There was nothing therefore to deposit, so why deposit the fourth instalment when it might become necessary in October to demand its return? This argument prevailed, and the bill was passed on September 15 by a vote of 28 to 17.* The second bill providing that $10,000,000 of Treasury notes in denominations of not less than $100, bearing interest at 6 per cent., redeemable a year from date, and receivable for all taxes and duties levied, and the third bill, permitting the Secretary to extend the time of payment of merchant bonds, were ordered to a third reading by votes of 42 to 5 and 44 to 1 and on September 19 were passed.† Then the fourth bill, the so-called sub-treasury (or "Divorce") bill, was taken under discussion.

This last proposal caused no little excitement, for both in and out of Congress it was looked upon as a direct assault upon the entire credit system and as a scheme to destroy the banks. The treasurer of the United States, the treasurers of the mint and its branches, collectors of customs, receivers of public moneys, and all postmasters were required to keep whatever public moneys came into their possession until the proper authorities should direct them to pay it out or transfer it. Calhoun offered an amendment to the effect that, after January 1, 1838, three-fourths of all sums due for duties, taxes, land sales, and other debts should be paid in notes of such banks as redeemed their notes in specie; one-half after January 1, 1839; one-fourth after January 1, 1840, and after January 1, 1841, in whatever notes, bills or paper the United States might authorize.* After the last named date the Government disbursements should be in gold, silver, or such notes or paper as might be authorized by law.† After two weeks' debate, Calhoun's amendment was adopted on October 3 by a vote of 24 to 23, and on October 4 the amended bill was passed by a vote of 26 to 20.‡ When the bill reached the House it was laid on the table on October 14 by a vote of 119 to 107.|| But the House passed the bill extending the time of payment of duty bonds, amended the Senate bill postponing the payment of the fourth in-

* *Niles' Register*, vol. liii., p. 57; Benton, *Abridgment*, vol. xiii., pp. 352–359.

† Benton, *Abridgment*, vol. xiii., pp. 359–367.

* *Niles' Register*, vol. liii., pp. 58, 83–88; Benton, *Abridgment*, vol. xiii., p. 374.

† For Calhoun's speech in favor of a separation of the Government from the banks, see Jenkins, *Life of Calhoun*, pp. 337–361. On the controversy, see also Roosevelt, *Life of Benton*, p. 198 *et seq.*

‡ *Niles' Register*, vol. liii., pp. 89–91; Benton, *Abridgment*, vol. xiii., pp. 375–448.

|| Schouler, *United States*, vol. iv., p. 288; *Niles' Register*, vol. liii., p. 126; Benton, *Abridgment*, vol. xiii., p. 542.

stalment, and designated January 1, 1839, as the day when it should become due; and, as a substitute for the Senate bill providing for the issue of Treasury notes not under $100 in denomination, sent up a bill much the same but authorizing notes as low as $50. To these changes the Senate agreed, and on October 16 the extra session closed.*

Meanwhile the banks had considered the question of resuming specie payments. On October 19 the officials of the New York banks unanimously resolved to invite the officials of other banks to meet in New York on November 27 to consider the question of resumption and to make such action harmonious among the banks of the country.† The convention was held in November, attended by 141 delegates, representing banks in 19 States. Resolving not to fix any certain date upon which to resume specie payments, the convention adjourned, to meet again on April 15, 1838.‡ When the appointed day arrived a committee reported in favor of October 1, but so many objections were raised that finally, by a vote of 13 States to 2, January 1, 1839, was chosen.* But this was far from satisfactory to a number of the States, and on July 10, 1838, Governor Joseph Ritner, of Pennsylvania, issued a proclamation requiring the banks of that State to resume payment on August 13.† To make such action simultaneous, another convention was called, and the banks of Massachusetts, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, Kentucky and Missouri agreed to resume specie payments on August 13.‡ Later, the Ohio banks agreed to do the same, and on that day specie payments were resumed. There were but few runs reported upon that date, and everything passed off quietly and satisfactorily. New York had already resumed. New Jersey passed a law requiring the banks of that State to resume on or before August 30. The North Carolina banks resumed on August 1, those of Charleston on September 1, of Savannah on October 1, 1838, and of New Orleans on January 1, 1839.‖

* Peck, *The Jacksonian Epoch*, pp. 365–369; Benton, *Abridgment*, vol. xiii., pp. 466–499, 503–524, 526–543.

† *Niles' Register*, vol. liii., pp. 130, 147.

‡ *Ibid*, vol. liii., p. 226.

* *Niles' Register*, vol. liv., pp. 113–115; Peck, *The Jacksonian Epoch*, p. 371.

† *Niles' Register*, vol. liv., p. 320.

‡ *Ibid*, p. 385.

‖ McMaster, vol. vi., pp. 419–420. White (*Money and Banking*, p. 330) says that 11 of the Massachusetts banks did not resume.

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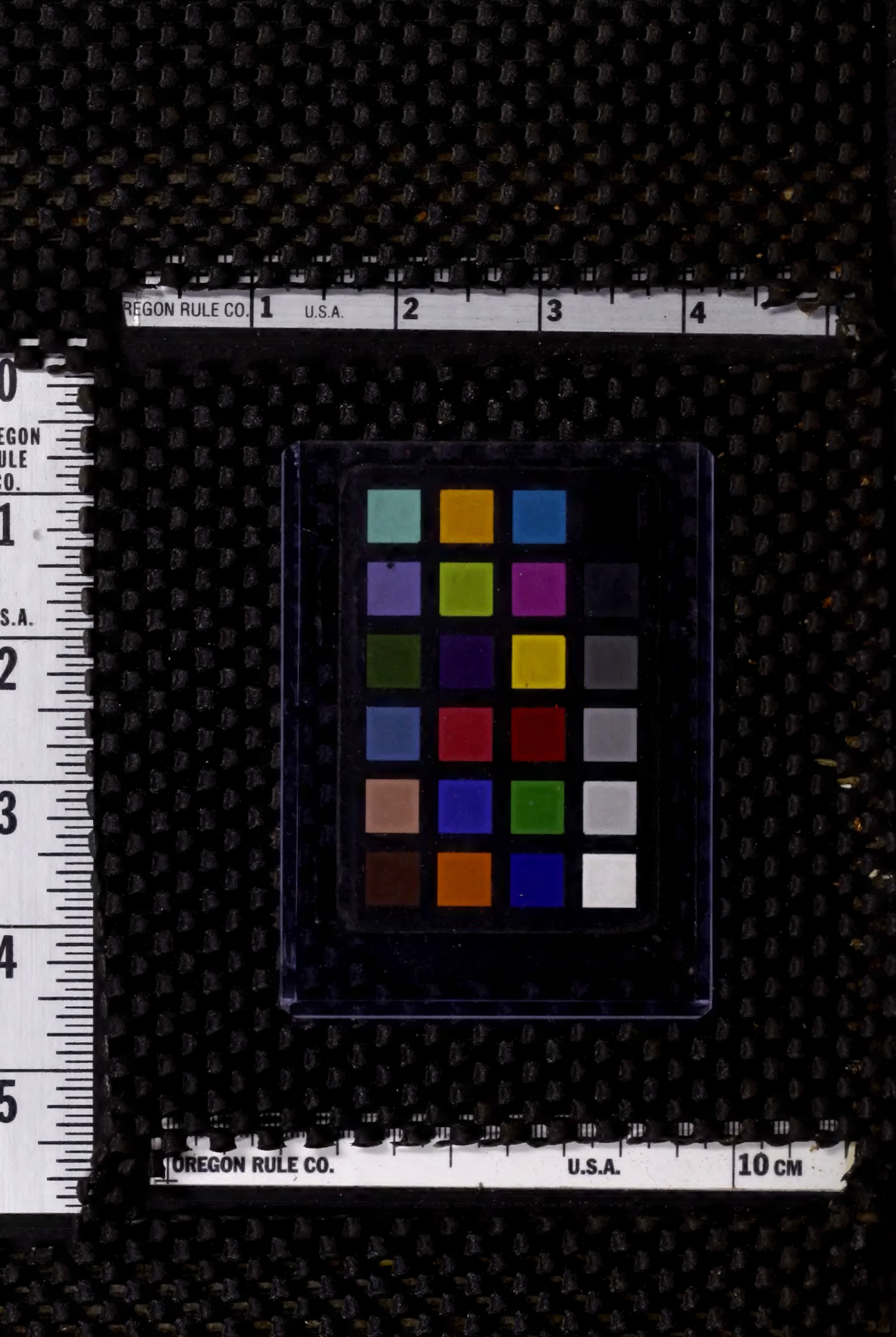
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